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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 156**

**The General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004**

**PART 9**

**SAVINGS, MODIFICATIONS, AMENDMENTS AND REVOCATIONS**

**Meaning of suitable experience**

**88.**—(1) Until the coming into force of Article 5 of the 2003 Order, where, in any statutory provision, there is a reference to a medical practitioner being “suitably experienced” within the meaning of Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978<sup>(1)</sup>, that reference shall be construed in accordance with sub-paragraph (2).

(2) A medical practitioner shall, pursuant to sub-paragraph (1), be regarded as being “suitably experienced” if he –

- (a) holds a certificate of prescribed experience;
- (b) holds a certificate of equivalent experience;
- (c) is exempt from the need to have acquired the prescribed experience pursuant to regulation 5 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998<sup>(2)</sup> (exemptions); or
- (d) has an acquired right to practise pursuant to regulation 5 of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994<sup>(3)</sup>, other than by virtue of regulation 5(1)(d) of those Regulations (acquired rights).

(3) In this Article, “certificate of prescribed experience” and “certificate of equivalent experience” have the meanings assigned to them in regulation 2(1) of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998.

(4) Notwithstanding the repeal of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978, the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998 and the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 shall remain in operation (subject to the transitory modifications made in this Part) until their revocation by virtue of Article 31(5) of, and Part 2 of Schedule 10 to the 2003 Order.

**Saving of Article 144 of the Trade Union and Labour Relations (Northern Ireland) Order 1995**

**89.** Notwithstanding the coming into operation of the amendments to the definition of worker in Article 144 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 (health service

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(1) S.I. 1978/1907 (N.I. 26)

(2) S.R. 1998 No. 13

(3) S.I. 1994/3130 as amended by S.I. 1997/2817 and 2003/3148. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Part 2 of Schedule 10

practitioners) made by paragraph 16 of Schedule 1 to the 2004 Order<sup>(4)</sup>, in relation to any complaint arising in respect of a matter which occurred before 1st April 2004, Article 144 shall have effect as if those amendments had not been brought into force.

### **Transitional provision in relation to the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001**

**90.** Notwithstanding the amendments made to the Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001<sup>(5)</sup>, by paragraph 9 of Schedule 1, those regulations shall, in relation to any employment before 1st April 2004, continue to apply as if those amendments had not been made.

### **Transitory modification of Article 21 of the 1991 Order**

**91.** For as long as default contracts entered into pursuant to Article 5 of the 2004 Order (general medical services: transitional) exist, Article 21 of the Health and Personal Social Services (Northern Ireland) Order 1991 (indicative amounts for doctors' practices) shall be read as if –

- (a) the reference in sub-paragraph (3)(a) to a contract under Article 57 of the Order included a reference to a default contract entered into pursuant to Article 5 of the 2004 Order; and
- (b) after sub-paragraph (3), there were inserted –

“(3A) Where, in the same financial year, the members of a practice enter into –

- (a) a contract pursuant to Article 5 of the Primary Medical Services (Northern Ireland) Order 2004; and
- (b) a contract with the same Board under Article 57 of the Order which takes effect immediately after the contract referred to in paragraph (a) ceases to have effect,

that practice will, for that financial year, count as a single practice for the purposes of this Article.”.

### **Transitory modification of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994**

**92.**—(1) Until their revocation by virtue of Article 31(5) of, and Part 2 of Schedule 10 to the 2003 Order, the Vocational Training for General Medical Practice (European Requirements) Regulations 1994 are to have effect as if they were amended in accordance with this Article.

(2) In regulation 5 (acquired rights)<sup>(6)</sup>, in paragraph (4)(a), after –

- (a) “within the meaning of Article 31(2) of the National Health Service Act 1977”, insert “and Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978”; and
- (b) “for the purposes of regulation 4(1), (2)(a) or (3)(a) of the National Health Service (General Medical Services Contracts) Regulations 2004”, omit “or” and insert “the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004; and”.

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<sup>(4)</sup> Paragraph 16 of Schedule 1 was commenced on 1st April 2004 by Article 2 of the 2004 Commencement Order

<sup>(5)</sup> [S.R. 2001 No. 357](#)

<sup>(6)</sup> Regulation 5 was previously amended by [S.I.1997/2817](#)

### **Transitory modification of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998**

**93.**—(1) Until their revocation by virtue of Article 31(5) of, and Part 2 of Schedule 10 to the 2003 Order, the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998 are to have effect as if they were amended in accordance with this Article.

(2) In regulation 2 (interpretation) –

(a) in the definition of “General Practice (GP) Registrar” there shall be substituted –  
“means a medical practitioner who is being trained in general practice by a medical practitioner who has been approved for that purpose by the JCPTGP pursuant to regulation 7;”.

(3) Regulation 4 (experience and certificates required) shall be omitted.

(4) In regulation 5 (exemptions), in paragraph (1) for sub-paragraph (d) substitute –

“(d) if his name was, on 31st December 1994, included in a medical list for the provision of general medical services limited to –  
(i) child health surveillance services only,  
(ii) contraceptive services only,  
(iii) maternity medical services only,  
(iv) minor surgery services only, or  
(v) any combination of the services mentioned in paragraphs (i) to (iv);”.

### **Minor and consequential amendments**

**94.** The statutory provisions listed in Schedule 1 are amended as there specified.

### **Revocations**

**95.** The statutory provisions listed in Schedule 2 are revoked to the extent there specified.