

*These notes refer to the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c.26) which received Royal Assent on 12 May 2016*

# Health (Miscellaneous Provisions) Act (Northern Ireland) 2016

---

## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Commentary on Sections in Part 3 of the Act*

#### ***Section 9: Persons performing primary dental services***

The purpose of this section is to provide the Department with the necessary legal powers to introduce the new dental contract provisions including the introduction of performers' lists for dentists. By changing certain wording (so that the words "providing" and "provide" now read "performing" and "perform") it gives full effect to the 2008 Act policy intention. Changes to other references (so that Article 61 now reads Article 60A) are also made.

#### ***Section 10: Ophthalmic services***

This section revokes the provisions in the 2008 Act and restores the pre 2008 Act listing provisions.

#### ***Section 11: Pharmaceutical services***

This section revokes the provisions in the 2008 Act and restores the pre 2008 Act listing provisions.

#### ***Section 12: Disqualification by the Tribunal***

This section amends Schedule 11 to the 1972 Order (disqualification of persons providing Part 6 services) which sets out the powers of a Tribunal to consider a case against a listed individual or body. As the Act will restore the pre 2008 Act position of listing only general ophthalmic services and pharmaceutical services providers, the Tribunal's powers are to revert to pre 2008 Act position. The Tribunal's extended powers for performers will not apply to general ophthalmic services or pharmaceutical services. Consequently, the Tribunal will have to consider cases from two different types of lists:

- lists of those who have an arrangement with the HSCB to provide general dental services (until primary dental services are introduced), general ophthalmic services and pharmaceutical services; and

*These notes refer to the Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c.26) which received Royal Assent on 12 May 2016*

- lists of primary medical services (and future primary dental services) performers.

The powers of the Tribunal vary, depending on the type of list, and the amendments in section 12 address these differing situations.

***Section 13: Provision of medical or dental services: Article 15B arrangements***

Article 15B sets out an alternative system for providing primary dental services other than through general dental services contracts. This section amends Article 15B of the 1972 Order to ensure it gives full effect to the 2008 Act policy intention.

***Section 14: Charges for services provided to persons not ordinarily resident in Northern Ireland***

This section makes specific reference to the power to prescribe exemptions.