

STATUTORY INSTRUMENTS

1972 No. 1265

**Health and Personal Social Services
(Northern Ireland) Order 1972**

PART VI

GENERAL HEALTH SERVICES

[^{F1} General medical services contracts

F1 [2004 NI 2](#)

General medical services contracts: introductory

57.—(1) [^{F2}The Department] may enter into a contract under which primary medical services are provided in accordance with the following provisions of this Part.

(2) A contract under this Article is called in this Order a “general medical services contract”.

(3) Subject to any provision made by or under this Part, a general medical services contract may make such provision as may be agreed between [^{F3}the Department] and the contractor or contractors in relation to—

- (a) the services to be provided under the contract,
- (b) remuneration under the contract, and
- (c) any other matters.

(4) The services to be provided under a general medical services contract may include—

- (a) services which are not primary medical services;
- (b) ^{F4}

(5) In this Part, “contractor”, in relation to a general medical services contract, means any person entering into the contract with [^{F5}the Department] .

F2 Words in art. 57(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 23\(2\)](#); S.R. 2022/102, art. 2(b)

F3 Words in art. 57(3) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 23\(3\)](#); S.R. 2022/102, art. 2(b)

F4 Art. 57(4)(b) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009](#) (c. 1), s. 34(3), [Sch. 6 para. 3\(31\)](#), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

F5 Words in art. 57(5) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022](#) (c. 3), s. 8(1)(b), [Sch. 1 para. 23\(3\)](#); S.R. 2022/102, art. 2(b)

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, General medical services contracts is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Requirement to provide certain primary medical services

57A.—(1) A general medical services contract shall require the contractor or contractors to provide, for his or their patients, primary medical services of such descriptions as may be prescribed.

(2) Regulations under paragraph (1) may in particular describe services by reference to the manner or circumstances in which they are provided.

Persons eligible to enter into general medical services contracts

57B.—(1) [^{F6}The Department] may, subject to such conditions as may be prescribed, enter into a general medical services contract with—

- (a) a medical practitioner;
- (b) two or more individuals practising in partnership where the conditions in paragraph (2) are satisfied; or
- (c) a company limited by shares where the conditions in paragraph (3) are satisfied.

(2) The conditions referred to in paragraph (1)(b) in relation to a partnership are that—

- (a) at least one partner is a medical practitioner; and
- (b) any partner who is not a medical practitioner is either—
 - (i) an [^{F7}HSC employee];
 - (ii) an Article 15B employee, a section 28C employee or a section 17C employee;
 - (iii) a health care professional who is engaged in the provision of services under this Order; or
 - (iv) an individual falling within Article 15C(1)(b)(iii).

(3) The conditions referred to in paragraph (1)(c) in relation to a company are that—

- (a) at least one share in the company is legally and beneficially owned by a medical practitioner; and
- (b) any share which is not so owned is legally and beneficially owned by a person referred to in paragraph (2)(b)(i) to (iv).

(4) Regulations may make provision as to the effect, in relation to a general medical services contract entered into by individuals practising in partnership, of a change in the membership of the partnership.

(5) In this Article—

“health care professional” has the same meaning as in Article 15C;

“ [^{F7}HSC employee]”, “Article 15B employee”, “section 28C employee” and “section 17C employee” have the same meaning as in Article 15C.

F6 Words in art. 57B(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 24**; S.R. 2022/102, art. 2(b)

F7 Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 1(1)(f)**; S.R. 2009/114, **art. 2**

General medical services contracts: payments

57C.—(1) The Department may [^{F8}make a scheme providing for] payments to be made under general medical services contracts.

(2) A general medical services contract must require payments to be made under the contract in accordance with [F9any scheme] for the time being in force under this Article.

(3) Without prejudice to the generality of the power under paragraph (1) [F10a scheme] under that paragraph may—

- (a) provide for payments to be made by reference to compliance with standards or the achievement of levels of performance;
- (b) provide for payments to be made by reference to—
 - (i) [F11any method of calculation] or scale specified in the [F12scheme] ; or
 - (ii) a determination made by any person in accordance with factors specified in the [F12scheme] ;
- (c) provide for the making of payments in respect of individual practitioners;
- (d) provide that the whole or any part of a payment is subject to conditions (and may provide that payments are payable by [F13the Department] only if it is satisfied as to certain conditions)
- (e) make provision having effect from a date before the date of the [F12scheme] , provided that, having regard to the [F12scheme] as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(4) Before [F14making a scheme] under paragraph (1), the Department—

- (a) shall consult any body appearing to it to be representative of persons to whose remuneration the [F15scheme] would relate, and
- (b) may consult such other persons as it thinks appropriate.

[
F16(4A) The Department must publish a scheme under paragraph (1) in such manner as it thinks appropriate.]

(5) References in this Article to payments include fees, allowances, reimbursements, loans and repayments.

- | | |
|------------|--|
| F8 | Words in art. 57C(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(2) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F9 | Words in art. 57C(2) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(3) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F10 | Words in art. 57C(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(4)(a) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F11 | Words in art. 57C(3)(b)(i) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(4)(c) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F12 | Word in art. 57C(3) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(4)(b) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F13 | Words in art. 57C(3)(d) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(4)(d) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F14 | Words in art. 57C(4) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(5)(a) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F15 | Word in art. 57C(4)(a) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(5)(b) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |
| F16 | Art. 57C(4A) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), Sch. 1 para. 25(6) (with Sch. 4 para. 4); S.R. 2022/102, art. 2(b) |

General medical services contracts: prescription of drugs, etc.

57D.—(1) A general medical services contract shall contain provision requiring the contractor or contractors to comply with any directions given by the Department for the purposes of this Article as to the drugs, medicines or other substances which may or may not be ordered for patients in the provision of medical services under the contract.

(2) A direction under this Article shall, subject to paragraph (3), be given by regulations.

(3) A direction under this Article may be given by an instrument in writing where it gives effect to a request made in writing to the Department by a person who is a holder of a [F17EU] marketing authorisation or United Kingdom marketing authorisation in respect of the drug, medicine or other substance to which the request relates.

(4) A direction under this Article given by an instrument in writing may be varied or revoked by a further direction under this Article (whether given by an instrument in writing or by regulations).

(5) In this Article “ [F18EU] marketing authorisation” and “United Kingdom marketing authorisation” have the meanings given by [F19regulation 8(1) of the Human Medicines Regulations 2012].

F17 Word in art. 57D(3) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 46(b)(i)** (with Sch. 32)

F18 Word in art. 57D(5) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 46(b)(i)** (with Sch. 32)

F19 Words in art. 57D(5) substituted (14.8.2012) by [The Human Medicines Regulations 2012 \(S.I. 2012/1916\)](#), reg. 1(2), **Sch. 34 para. 46(b)(ii)** (with Sch. 32)

General medical services contracts: other required terms

57E.—(1) A general medical services contract shall contain such provision as may be prescribed (in addition to the provision required by the preceding provisions of this Part).

(2) Regulations under paragraph (1) may in particular make provision as to—

- (a) the manner in which, and standards to which, services are to be provided;
- (b) the persons who perform services;
- (c) the persons to whom services are to be provided;
- (d) the variation of contract terms (other than terms required by or under this Part);
- (e) rights of entry and inspection (including inspection of clinical records and other documents);
- (f) the circumstances in which, and the manner in which, the contract may be terminated;
- (g) enforcement;
- (h) the adjudication of disputes.

(3) Regulations making provision under paragraph (2)(c) shall make provision as to the circumstances in which a contractor or contractors—

- (a) shall or may accept a person as a patient to whom services are provided under the contract; or
- (b) may decline to accept a person as such a patient; or
- (c) may terminate his or their responsibility for a patient.

(4) Regulations under paragraph (2)(d) may—

- (a) make provision as to the circumstances in which [^{F20}the Department] may impose a variation of contract terms;
 - (b) make provision suspending or terminating any duty under the contract to provide services of a prescribed description.
- (5) Regulations making provision of the kind described in paragraph (4)(b) may prescribe services by reference to the manner or circumstances in which they are provided.
- (6) Regulations under paragraph (1) shall make provision as to the right of patients to choose the persons from whom they are to receive services.

F20 Words in art. 57E(4)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 26; S.R. 2022/102, art. 2\(b\)](#)

General medical services contracts: disputes and enforcement

57F.—(1) Regulations may make provision for the resolution of disputes as to the terms of a proposed general medical services contract.

- (2) Regulations under paragraph (1) may [^{F21}in particular] make provision—
- (a) for the referral of the terms of the proposed contract to [^{F22}a prescribed body] ; and
 - (b) for [^{F23}that body] to determine the terms on which the contract may be entered into.

[^{F24}(2A) Regulations making provision as to the matters referred to in paragraph (2)(a) and (b) may make provision—

- (a) as to the members of the body, including the terms and conditions of their appointment;
- (b) for the payment of fees and allowances to members of the body.]

(3) Regulations may make provision for a person or persons entering into a general medical services contract to be regarded as a health and [^{F25}social care] body for any purposes of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1991, in circumstances where he or they so elect.

(4) Regulations under paragraph (3) may include provision as to the application of Article 8 of that Order in cases where—

- (a) persons practising in partnership elect to become a health and [^{F25}social care] body; and
- (b) there is a change in the membership of the partnership.

(5) Where—

- (a) by virtue of regulations under paragraph (3), paragraph (8) of Article 8 of that Order applies in relation to a general medical services contract, and
- (b) a direction as to payments is made under that paragraph in relation to the contract,

the direction is to be enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.]

F21 Words in art. 57F(2) inserted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 27\(2\)\(a\); S.R. 2022/102, art. 2\(b\)](#)

F22 Words in art. 57F(2)(a) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 27\(2\)\(b\); S.R. 2022/102, art. 2\(b\)](#)

F23 Words in art. 57F(2)(b) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 27\(2\)\(c\); S.R. 2022/102, art. 2\(b\)](#)

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, General medical services contracts is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- F24** Art. 57F(2A) inserted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 27(3)**; S.R. 2022/102, art. 2(b)
- F25** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), s. 34(3), **Sch. 6 para. 1(1)(a)**; S.R. 2009/114, **art. 2**

Changes to legislation:

Health and Personal Social Services (Northern Ireland) Order 1972, General medical services contracts is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by 2004/311 NI 2 art. 3)
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by 2016 c. 26 (N.I.), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)