
STATUTORY INSTRUMENTS

1997 No. 1177

**The Health Services (Primary Care)
(Northern Ireland) Order 1997**

PART III

PRIMARY CARE

Personal medical or dental services

Supplementary regulations

22. In the 1972 Order, after Article 15C, insert—

“Personal medical or dental services: regulations

15D.—(1) The Department may make regulations with respect to the provision of services in accordance with Article 15B arrangements.

(2) The regulations must—

- (a) include provision for participants other than Health and Social Services Boards to withdraw from Article 15B arrangements if they wish to do so;
- (b) impose conditions (including conditions as to qualifications and experience) to be satisfied by medical practitioners performing personal medical services, and dental practitioners performing personal dental services, in accordance with Article 15B arrangements.

In sub-paragraph (b) “practitioner” does not include a practitioner who is undergoing training of a prescribed description.

(3) The regulations may, in particular—

- (a) provide that Article 15B arrangements may be made only in prescribed circumstances;
- (b) provide that Article 15B arrangements may be made only in prescribed areas;
- (c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with Article 15B arrangements;
- (d) require details of Article 15B arrangements to be published;
- (e) make provision with respect to the variation and termination of Article 15B arrangements;
- (f) prevent (except in such circumstances and to such extent as may be prescribed) a medical practitioner who performs personal medical services in accordance with Article 15B arrangements from providing general medical services;
- (g) make provision with respect to medical lists, including provision for preferential treatment for medical practitioners;

- (h) provide for parties to Article 15B arrangements to be treated, in such circumstances and to such extent as may be prescribed, as health services bodies for the purposes of Article 8 of the 1991 Order;
 - (i) provide for directions, as to payments, made under Article 8(8) of the 1991 Order (as it has effect as a result of regulations made by virtue of sub-paragraph (h)) to be enforceable in a county court (if the court so orders) as if they were judgments or orders of that court;
 - (j) authorise Health and Social Services Boards to make payments of financial assistance for prescribed categories of preparatory work undertaken—
 - (i) in connection with preparing proposals for Article 15B arrangements; or
 - (ii) in preparation for the provision of services under proposed Article 15B arrangements.
- (4) The regulations must include provision for a medical practitioner who—
- (a) has provided or performed personal medical services in accordance with Article 15B arrangements; and
 - (b) in contemplation of doing so, gave up fund-holding status,
- to be allowed to return immediately to fund-holding status on satisfying the Department that, if he were granted that status, he would be able to fulfil the conditions for the time being in force for continuing to have it.
- For the purposes of this paragraph “fund-holding status” has such meaning as may be prescribed.
- (5) The Department must—
- (a) consider whether Article 15B arrangements are likely to have an adverse effect on the distribution of medical practitioners providing general medical services or performing personal medical services in Northern Ireland;
 - (b) if it thinks that the arrangements are likely to have that effect, consider whether it is necessary to include in the regulations provisions designed to secure that, so far as is possible, the arrangements do not have that effect; and
 - (c) if it thinks that it is necessary, include such provisions in the regulations.
- (6) Regulations which impose conditions on persons performing personal medical services or persons performing personal dental services (whether made by virtue of paragraph (2)(b) or otherwise) may, in particular, include provision of a kind that may be made by regulations under Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978.
- (7) Regulations made by virtue of paragraph (3)(g) may, in particular, include provision—
- (a) requiring (except in prescribed circumstances) Health and Social Services Boards to remove from their medical lists persons who are performing personal medical services in accordance with Article 15B arrangements;
 - (b) conferring a right to transfer to medical lists on persons who have ceased to perform such services;
 - (c) that any provision in relation to medical lists made by or under any statutory provision is not to apply;
 - (d) as to conditions to be attached to entries in medical lists;
 - (e) conferring powers of disqualification on the Tribunal.”.