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STATUTORY INSTRUMENTS

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**1997 No. 1177**

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

**PART II**

**PILOT SCHEMES FOR PRIMARY CARE**

*General*

**Relationship between this Part and the 1972 Order**

**11.**—(1) The provisions of the 1972 Order, apart from Article 17(1) (power of Department to direct board to exercise functions on its behalf), apply in relation to functions of the Department under this Part as if they were functions of the Department under Part II of that Order.

(2) The 1972 Order has effect in relation to piloted services—

- (a) subject to any provision of, or made under, this Part; but
- (b) otherwise as if those services were provided as a result of the delegation by the Department (by directions given under Article 17(1) of the 1972 Order) of functions of the Department under Part II of that Order.

(3) The functions of a board in relation to piloted services are primary functions of the board for the purposes of Article 9 of the 1991 Order.

**Medical practitioners to be suitably experienced**

**12.**—(1) Any medical practitioner who performs personal medical services in connection with the provision of such services under a pilot scheme must be suitably experienced.

(2) Paragraph (1) does not prevent the performance of personal medical services by—

- (a) a person who is acting in the course of acquiring the experience prescribed by regulations made under Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978;
- (b) a person who is provisionally registered under section 15 or 21 of the Medical Act 1983, acting in the course of his employment in a resident medical capacity in an approved medical practice (within the meaning of section 11(4) of that Act); or
- (c) such other category of person as may be prescribed.

(3) Paragraphs (2) to (7) of Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978 (meaning of “suitably experienced”) apply for the purposes of this Article as they apply for the purposes of Part II of that Order.

### **Leaving medical lists**

13.—(1) Except in such circumstances and to such extent as may be prescribed, a medical practitioner who performs personal medical services in connection with the provision of such services under a pilot scheme may not provide general medical services under Part VI of the 1972 Order.

(2) Except in such circumstances as may be prescribed, a board must remove from its medical lists the name of any medical practitioner who is performing personal medical services in connection with the provision of such services under a pilot scheme made by it or by any other board.

### **Preferential treatment on transferring to medical lists**

14.—(1) Before the Department approves a pilot scheme, it must determine whether a participating medical practitioner is to be given preferential treatment under Schedule 1 if he makes an application for his name to be included in a medical list of the board after ceasing to perform personal medical services under the scheme.

(2) Before a pilot scheme is varied so as to permit a new medical practitioner to perform personal medical services under the scheme, the Department must make a determination under this Article in relation to the new practitioner.

(3) The Department may at any time make a determination under this Article varying a determination about a medical practitioner if it is asked to do so by the practitioner concerned.

(4) Before making any determination under this Article, the Department must publish the criteria by reference to which the Department will make it.

(5) Those criteria may be—

- (a) criteria applying generally to all determinations;
- (b) criteria applying only to the pilot scheme in question; or
- (c) a mixture of both.

(6) The Department must notify the board and the medical practitioner or practitioners concerned in writing of any determination made by it under this Article.

(7) Different determinations may be made with respect to different medical practitioners performing personal medical services under the same pilot scheme.

(8) A determination may identify the medical practitioner or practitioners to which it applies by name or in any other way.

(9) Schedule 1 has effect in relation to preferential treatment for medical practitioners who wish to transfer to medical lists.

### **Returning to fund-holding status**

15.—(1) Regulations must be made providing for a medical practitioner who—

- (a) has provided or performed personal medical services under a pilot scheme; 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.

(2) For the purposes of this Article “fund-holding status” has such meaning as may be prescribed.

### **Liabilities and obligations in relation to deputies**

- 16.—(1) Regulations may make provision with respect to the liabilities and obligations of—
- (a) a Part VI practitioner who, in connection with any obligation of his to provide general medical services, enters into arrangements under which a pilot scheme practitioner deputises, or is engaged to deputise, for him; or
  - (b) a Part VI practitioner who enters into arrangements under which he deputises, or is engaged to deputise, for a pilot scheme practitioner, in connection with that practitioner’s obligation to perform personal medical services under a pilot scheme.
- (2) The regulations may, in particular—
- (a) modify any liabilities or obligations which would otherwise be applicable by virtue of Part VI of the 1972 Order;
  - (b) apply (with or without modifications) any provision made by or under Part VI of the 1972 Order (including any provision so made by virtue of Article 10 of the Health and Medicines (Northern Ireland) Order 1988).
- (3) In this Article—
- “Part VI practitioner” means a medical practitioner who provides general medical services; and
- “pilot scheme practitioner” means a medical practitioner who performs personal medical services under a pilot scheme.

### **HSS contracts**

- 17.—(1) In the case of a pilot scheme entered into, or to be entered into, by a single individual or body corporate, that individual or body may make an application under this Article to become a health services body.
- (2) In the case of any other pilot scheme, all of those providing, or proposing to provide, piloted services under the scheme may together make an application under this Article to become a single health services body.
- (3) An application must—
- (a) be made to the Department in accordance with such provisions as may be prescribed; and
  - (b) specify the pilot scheme in relation to which it is made.
- (4) Except in such cases as may be prescribed, the Department may grant an application.
- (5) If an application is granted, the Department must specify when it is to come into effect and, as from that time—
- (a) in the case of an application under paragraph (1), the applicant is; and
  - (b) in the case of an application under paragraph (2), the applicants together are,
- a health services body for the purposes of Article 8 of the 1991 Order (HSS contracts).
- (6) That Article has effect in relation to such a health services body (“a pilot scheme health services body”) as if the functions referred to in paragraph (1) of that Article were the provision of piloted services.
- (7) Except in such circumstances as may be prescribed, a pilot scheme health services body resulting from an application under paragraph (2) is to be treated, at any time, as consisting of those providing piloted services under the scheme.
- (8) A direction as to payment made under Article 8(8) of the 1991 Order against, or in favour of, a pilot scheme health services body is enforceable in a county court (if the court so orders) as if it were a judgment or order of that court.

(9) Regulations may provide for a pilot scheme health services body to cease to be such a body in prescribed circumstances.

(10) The Department must—

- (a) maintain and publish a list of pilot scheme health services bodies;
- (b) publish a revised copy of the list as soon as is reasonably practicable after any change is made to it.

(11) The list is to be published in such manner as the Department considers appropriate.