

SCHEDULES

^{F1}SCHEDULE 1

PREFERENTIAL TREATMENT ON TRANSFERRING TO MEDICAL LISTS

Annotations:

- F1** Sch. 1 repealed (prosp.) by [Health \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2008 \(c. 2\)](#), ss. 17, 18(2)(b), [Sch. 2 Pt. 2](#)

Cases where preference is given

1.—(1) This Schedule applies if the Department determines under Article 14 that a medical practitioner is to be given preferential treatment on making an application for his name to be included in a medical list of a board after ceasing to perform personal medical services in connection with the provision of such services under a pilot scheme and the conditions mentioned in sub-paragraph (2) are satisfied.

(2) The conditions are that—

- (a) the practitioner has made an application in the prescribed manner to the board concerned for his name to be included in a medical list of the board (“the relevant list”); and
- (b) his name has not been included in that list since he ceased to perform the services under the scheme.

The preferential treatment

2.—(1) The board must include the applicant's name in the relevant list unless—

- (a) the applicant is not eligible for inclusion in that list by virtue of a direction under paragraph 4;
- (b) he is otherwise not eligible for inclusion in that list; or
- (c) the question of whether to give a direction under paragraph 4 is not resolved.

(2) Regulations may make provision as to conditions to be attached to the applicant's entry in the relevant list in such cases.

Representations against preferential treatment

3.—(1) The Tribunal must inquire into any representations by the board that the inclusion of the applicant's name in the relevant list would be prejudicial to the efficiency of the general medical services provided in its area.

(2) The Tribunal may inquire into any similar representations by any other person.

(3) Where any representations of a kind mentioned in sub-paragraph (1) or (2) are made to the Tribunal and the applicant withdraws his application without the consent of the Department, the

Tribunal may proceed to inquire into any of the representations, and exercise the powers in relation to disqualification conferred on it by this Schedule, as if the application had not been withdrawn.

(4) The representations must be made in the prescribed manner and before the end of such period as may be prescribed.

(5) Regulations may make provision for the publication of information about—

- (a) applications to which this Schedule relates; and
- (b) the right to make representations about such applications.

Power of Tribunal to give directions

4.—(1) If the Tribunal considers that the inclusion of the applicant's name in the relevant list would be prejudicial to the efficiency of the general medical services provided in the board's area, it—

- (a) must direct that the applicant's name is not to be included in that list; and
- (b) may, if it thinks fit, direct that his name is not to be included—
 - (i) in any other medical list; or
 - (ii) in any other specified medical list or lists.

(2) If the Tribunal gives a direction under sub-paragraph (1)(b)(i) it may also, if it thinks fit, declare that the applicant is not fit to be engaged in any capacity in the provision of general medical services.

(3) A direction by the Tribunal under this paragraph is binding on the board or boards concerned as from the time when the direction is given.

Termination of directions

5.—(1) A person's name may not be included (whether by virtue of paragraph 2 or otherwise) in any medical list to which a direction under paragraph 4 relates before the Tribunal gives a direction to the contrary under this paragraph.

(2) For the purpose of deciding whether or not to give a direction under this paragraph, the Tribunal may hold an inquiry.

Directions in Great Britain

6. A person's name may not be included in any medical list (whether by virtue of paragraph 2 or otherwise) if he is prevented under provisions in Great Britain which correspond to this Schedule from being included in all corresponding lists there.

Regulations

7.—(1) Regulations must provide—

- (a) for inquiries under this Schedule to be held in accordance with such procedure as may be prescribed by or determined under the regulations;
- (b) for conferring on the Tribunal such powers as the Department considers necessary; and
- (c) for the publication of decisions of the Tribunal under the regulations and of the imposition and removal of any disqualifications imposed under paragraph 6.

(2) The regulations must, in particular—

- (a) provide for any person who is the subject of an inquiry to have an opportunity—
 - (i) of appearing, either in person or by counsel or solicitor or such other representative as may be prescribed, before the Tribunal; and
 - (ii) of being heard by the Tribunal and of calling witnesses and producing other evidence on his behalf; and
- (b) provide for the hearing to be in public if the person who is the subject of the inquiry so requests.

Interpretation

8. For the purposes of this Schedule the question of whether to give a direction under paragraph 4 is resolved if—

- (a) the period for making representations under paragraph 3 has ended without the Tribunal receiving any such representations;
- (b) such representations have been received but the Tribunal has decided—
 - (i) not to inquire into them; or
 - (ii) not to give a direction under paragraph 4; or
- (c) a direction has been given by the Tribunal.

Changes to legislation:

There are currently no known outstanding effects for the The Health Services (Primary Care) (Northern Ireland) Order 1997.