

## SCHEDULES

### SCHEDULE 1

Article 10

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *The Order of 1972*

1. The Order of 1972 shall have effect subject to the following amendments.
2. In Article 2 (interpretation), in paragraph (2)—
  - (a) at the appropriate places in alphabetical order insert—
    - ““general medical services contract” has the meaning given by Article 57;
    - “primary medical services” means services which are primary medical services for the purposes of Part VI (see Article 56);”;
  - (b) omit the definition of “general medical services”.
- 3.—(1) Article 5 (provision of accommodation and medical services, etc.) shall be amended as follows.
  - (2) In paragraph (3) for “general medical,” substitute “primary medical services, of general”.
  - (3) In paragraph (5), after sub-paragraph (a) insert—
    - “(aa) persons providing primary medical services under a general medical services contract or in accordance with Article 15B arrangements;”.
- 4.—(1) In Article 6 (provision of general health services), the existing provision shall be numbered as paragraph (1) of that Article.
  - (2) In that paragraph for “general medical,” substitute “primary medical services, of general”.
  - (3) After that paragraph insert—
    - “(2) Services provided under Article 56(2) or under a general medical services contract are to be regarded as provided by the Department in pursuance of its functions under paragraph (1).”.
5. In Article 11 (vaccination and immunisation), in paragraph (2) for “general medical services” and “personal medical services” substitute “primary medical services”.
6. In Article 51 (powers of Department where services are inadequate), in paragraph (a) for “general medical services” substitute “primary medical services”.
- 7.—(1) Article 55 (recognition of local representative committees) shall be amended as follows.
  - (2) In the heading, for “local representative committees” substitute “Local Dental Committees, Local Optical Committees and Local Pharmaceutical Committees”.
  - (3) Omit—
    - (a) paragraph (1),
    - (b) paragraph (5)(a) and (b), and

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(c) in paragraph (7), “medical practitioner or”.

**8.**—(1) Article 55A (functions of local representative committees) shall be amended as follows.

(2) In the heading, for “local representative committees” substitute “Local Dental Committees, Local Optical Committees and Local Pharmaceutical Committees”.

(3) In paragraph (1), for “Article 55(1)(c) or (2)(c)” substitute “Article 55(2)(c)”.

(4) In paragraph (4)—

(a) for “paragraph (1)(b) or (c) or (2)(b) or (c)” substitute “paragraph (2)(b) or (c)”, and

(b) omit sub-paragraphs (a) and (b).

(5) In paragraph (6), omit “general medical services”.

(6) In paragraph (8), omit “deputy medical practitioners, Article 15B medical practitioners”.

**9.** After Article 55A insert—

**“Local Medical Committees**

**55B.**—(1) A Health and Social Services Board may recognise a committee formed for its area, or for its area and that of one or more other Health and Social Services Boards, which it is satisfied is representative of—

(a) the persons to whom paragraph (2) applies; and

(b) the persons to whom paragraph (3) applies.

(2) This paragraph applies to—

(a) every medical practitioner who, under a general medical services contract entered into by him, is providing primary medical services in the area for which the committee is formed; and

(b) every medical practitioner who is providing general ophthalmic services in that area.

(3) This paragraph applies to every other medical practitioner—

(a) who is performing primary medical services in the area for which the committee is formed;

(i) pursuant to Article 56(2)(a);

(ii) in accordance with Article 15B arrangements; or

(iii) under a general medical services contract; and

(b) who has notified the Health and Social Services Board that he wishes to be represented by the committee (and has not notified it that he wishes to cease to be so represented).

(4) A committee recognised under this Article shall be called the Local Medical Committee for the area for which it is formed.

(5) Any such committee may delegate any of its functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.

(6) Regulations may require a Health and Social Services Board, in the exercise of its functions relating to primary medical services, to consult any committee recognised by it under this Article on such occasions and to such extent as may be prescribed.

(7) A committee recognised under this Article shall have such other functions as may be prescribed.

(8) A committee recognised under this Article shall in respect of each year determine—

- (a) the amount of its administrative expenses for that year attributable to persons of whom it is representative under paragraph (1)(a); and
  - (b) the amount of its administrative expenses for that year attributable to persons of whom it is representative under paragraph (1)(b).
- (9) A Health and Social Services Board may—
- (a) on the request of a committee recognised by it, allot to that committee such sums for defraying the expenses referred to in paragraph (8)(a) as it may determine; and
  - (b) deduct the amount of such sums from the remuneration of persons of whom it is representative under paragraph (1)(a) under the general medical services contracts, or arrangements under Article 62, entered into by them with the Board.
- (10) A committee recognised under this Article shall apportion the amount determined by it under paragraph (8)(b) among the persons of whom it is representative under paragraph (1)(b); and each such person shall pay in accordance with the committee's directions the amount so apportioned to him.
- (11) References in this Article to the administrative expenses of a committee include the travelling and subsistence allowances payable to its members.”.

**10.** In the following provisions—

- (a) paragraph (a) of Article 59 (loans to general medical practitioners);
  - (b) paragraph (1)(a) of Article 64 (persons authorised to provide pharmaceutical services);
  - (c) paragraph 1(b)(i) of Schedule 6 (removal to suitable premises of persons in need of care and attention);
  - (d) paragraph 1 of Schedule 9 (provision for making loans to general medical practitioners);
- for “general medical services” substitute “primary medical services”.

**11.**—(1) Schedule 10, as substituted by Schedule 3 to the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3), (prohibition of sale of medical practices) shall be amended as follows.

(2) In paragraph 1—

- (a) for “general medical services” substitute “primary medical services”;
- (b) in sub-paragraph (b), at the end insert “(prior to the coming into operation of Article 3 of the Primary Medical Services (Northern Ireland) Order 2004)”;
- (c) after that sub-paragraph insert  
“or  
(c) provided or performed primary medical services in accordance with Article 15B arrangements, arrangements under Article 56B(2)(b) or under a general medical services contract—
  - (i) in prescribed circumstances, or
  - (ii) if regulations so provide, in all circumstances;”.

(3) In paragraph 4, for “general medical services or personal medical services” substitute “or performed services as specified in paragraph 1(1)”.

**12.** In Schedule 11, as substituted by Schedule 2 to the Health and Personal Social Services Act (Northern Ireland) 2001, (disqualification of persons providing Part VI services), in paragraph 1(8) for “general medical services” substitute “primary medical services”.

*The Health and Medicines (Northern Ireland) Order 1988*

13. In Article 10 of the [Health and Medicines \(Northern Ireland\) Order 1988 \(NI 24\)](#) (arrangements for provision of general medical services, etc.), in paragraph (1) omit “56”.

*The Health and Personal Social Services (Northern Ireland) Order 1991*

14.—(1) The [Health and Personal Social Services \(Northern Ireland\) Order 1991 \(NI 1\)](#) shall be amended as follows.

(2) In Article 21 (indicative amounts for doctors' practices) in paragraph (3), for sub-paragraphs (a) and (b) substitute—

“(a) a person or body who has entered into a contract under Article 57 of the principal Order, otherwise than in partnership; or

(b) two or more individuals practising in partnership who together have entered into such a contract;”.

(3) After paragraph (8) of that Article insert—

“(8A) In this Article, references to the relevant Health and Social Services Board, in relation to a practice, are to the Health and Social Services Board with which it has entered into a contract under Article 57 of the principal Order.”.

(4) In Schedule 1 (health and social services councils), in paragraph (2)(g) for “and HSS trusts” substitute “HSS trusts and persons providing primary medical services under Part II or Part VI of the principal Order”.

*The Access to Health Records (Northern Ireland) Order 1993*

15.—(1) The [Access to Health Records \(Northern Ireland\) Order 1993 \(NI 4\)](#) shall be amended as follows.

(2) In Article 2 (interpretation), in paragraph (2)—

(a) at the appropriate place in alphabetical order insert—

““general medical services contract” means a contract under Article 57 of the Health and Personal Social Services (Northern Ireland) Order 1972;” and

(b) omit the definition of general practitioner.

(3) In Article 3 (meaning of “health record”, etc.) in paragraph (2), for sub-paragraph (a) substitute—

“(a) in the case of a record made by a health professional performing primary medical services under a general medical services contract made with a Health and Social Services Board, the person or body who entered into the contract with the Board (or, in a case where more than one person so entered into the contract, any such person);

(aa) in the case of a record made by a health professional performing such services in accordance with arrangements under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972 with a Health and Social Services Board, the person or body which made the arrangements with the Board (or, in a case where more than one person so made the arrangements, any such person);”.

(4) In that paragraph, in sub-paragraph (b), after “by a health service body” insert “(and not falling within sub-paragraph (aa))”

(5) In Article 9 (cases where right of access may be partially excluded)—

(a) omit paragraph (2); and

- (b) in paragraph (3), omit the words from “(other” to “Article 3(2)(a))”.

*The Trade Union and Labour Relations (Northern Ireland) Order 1995*

**16.**—(1) Article 144 of the [Trade Union and Labour Relations \(Northern Ireland\) Order 1995 \(NI 12\)](#) (health service practitioners) shall be amended as follows.

(2) Renumber the existing provision as paragraph (1).

(3) In that paragraph, omit “56”.

(4) After that paragraph insert—

“(2) In this Order “worker” also includes an individual regarded in his capacity as one who works or normally works or seeks to work as a person performing primary medical services—

(a) in accordance with arrangements made by a Health and Social Services Board under Article 15B of the Health and Personal Social Services (Northern Ireland) Order 1972;

(b) under a contract under Article 57 of that Order entered into by him with a Health and Social Services Board,

and “employer” in relation to such an individual, regarded in that capacity, means that Board.”.

*The Employment Rights (Northern Ireland) Order 1996*

**17.**—(1) Article 67K of the [Employment Rights \(Northern Ireland\) Order 1996 \(NI 16\)](#) (extension of meaning of “worker” etc. for Part VA) shall be amended as follows.

(2) In paragraph (1), after sub-paragraph (b) insert—

“(ba) works or worked as a person performing services under a contract entered into by him with a Health and Social Services Board under Article 57 of the Health and Personal Social Services (Northern Ireland) Order 1972,”.

(3) In paragraph (2), after sub-paragraph (a) insert—

“(aa) in relation to a worker falling within sub-paragraph (ba) of that paragraph, the Board referred to in that sub-paragraph,”.

*The Freedom of Information Act 2000*

**18.** In Part III of Schedule 1 to the Freedom of Information Act 2000 ([c. 36](#)) (public authorities in the National Health Service), in paragraph 51 for “general medical services” substitute “primary medical services”.

SCHEDULE 2

Article 12

REPEALS

Short Title	Extent of repeal
<a href="#">The Health and Personal Social Services (Northern Ireland) Order 1972 (NI 14)</a> .	In Article 2(2), the definition of “general medical services”.

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Short Title	Extent of repeal
	<p>In Article 15B—</p> <ul style="list-style-type: none"> <li>(a) paragraph (3)(a);</li> <li>(b) in paragraph (4) the words “personal medical services or”; and</li> <li>(c) in paragraph (6) the definition of “personal medical services”.</li> </ul> <p>In Article 15C(2), the definitions of “qualifying medical practitioner” and “Article 15C employee”.</p> <p>In Article 15D—</p> <ul style="list-style-type: none"> <li>(a) in paragraph (2)(b), the words “medical practitioners performing personal medical services, and”;</li> <li>(b) paragraph (3)(f) and (g);</li> <li>(c) paragraphs (5) and (7).</li> </ul> <p>Article 15E.</p> <p>In Article 55—</p> <ul style="list-style-type: none"> <li>(a) paragraph (1),</li> <li>(b) paragraph (5)(a) and (b), and</li> <li>(c) in paragraph (7), the words “medical practitioners or”.</li> </ul> <p>In Article 55A—</p> <ul style="list-style-type: none"> <li>(a) paragraph (4)(a) and (b),</li> <li>(b) in paragraph (6), the words “general medical services”, and</li> <li>(c) in paragraph (8), the words “deputy medical practitioners, Article 15B medical practitioners”.</li> </ul>
<a href="#">The Health and Medicines (Northern Ireland) Order 1988 NI 24.</a>	In Article 10(1), “56”.
<a href="#">The Access to Health Records (Northern Ireland) Order 1993 NI 4.</a>	<p>In Article 2(2), the definition of “general practitioner”.</p> <p>In Article 9—</p> <ul style="list-style-type: none"> <li>(a) paragraph (2), and</li> <li>(b) in paragraph (3) the words from “(other” to “Article 3(2)(a),”.</li> </ul>
<a href="#">The Trade Union and Labour Relations (Northern Ireland) Order 1995 NI 12.</a>	In Article 144(1), “56”.
<a href="#">The Health Services (Primary Care) (Northern Ireland) Order 1997 NI 7.</a>	Articles 23 and 25.