
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 140

The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004

PART 3

PRE-CONTRACT DISPUTE RESOLUTION

Pre-contract disputes

9.—(1) Except where both parties to the prospective contract are health services bodies (in which case Article 8(5) of the 1991 Order (HSS Contracts) applies), if, in the course of negotiations intending to lead to a contract, the prospective parties to that contract are unable to agree on a particular term of the contract, either party may refer the dispute to the Department to consider and determine the matter.

(2) Disputes referred to the Department in accordance with paragraph (1) or Article 8(5) of the 1991 Order shall be considered and determined in accordance with the provisions of paragraphs 93(3) to (13) and 94(1) of Schedule 5, and paragraph (3) (where it applies).

- (3) In the case of a dispute referred to the Department under paragraph (1), the determination –
- (a) may specify terms to be included in the proposed contract;
 - (b) may require the Board to proceed with the proposed contract, but may not require the proposed contractor to proceed with the proposed contract; and
 - (c) shall be binding upon the prospective parties to the contract.