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STATUTORY RULES OF NORTHERN IRELAND

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**2004 No. 140**

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

**PART 7**

**TRANSITIONAL PROVISIONS**

**Commencement**

**28.** The contract shall provide for services to be provided under it from any date after 31st March 2004.

**Additional services**

**29.—**(1) Where the contract is with one of the persons specified in paragraph (2), the contract must, subject to regulation 17, provide for the contractor to provide in core hours to the contractor's registered patients and persons accepted by him as temporary residents, such of the additional services as are equivalent to services which that medical practitioner was providing to his patients on the date that the contract is entered into –

- (a) unless the provision of those services by that medical practitioner was due to come to an end on or before the date on which services are required to start being provided under the contract; and
- (b) except to the extent that, prior to the signing of the contract, the Board has accepted in writing a written request from the contractor that the contract should not require him to provide all or any of those additional services.

(2) The persons referred to in paragraph (1) are –

- (a) an individual medical practitioner who, on 31st March 2004, was providing services under Article 56 of the Order (arrangements for general medical services);
- (b) two or more individuals practising in partnership at least one of whom was, on 31st March 2004, a medical practitioner providing services under that section; or
- (c) company in which one or more of the shareholders was, on 31st March 2004, a medical practitioner providing services under that Article.

(3) This regulation applies only to contracts under which services are to be provided from 1st April 2004.

**Out of hours services**

**30.—**(1) Subject to paragraph 10 of Schedule 5, a contract under which services are to be provided before 1st January 2005 (whether or not such services will be provided after that date) must provide for the services specified in paragraph (2) to be provided throughout the out of hours period unless –

- (a) the Board has accepted in writing, prior to the signing of the contract, a written request from the contractor that the contract should not require the contractor to make such provision;
  - (b) the contract is, at the date on which it is signed, with –
    - (i) a medical practitioner who, on or before 31st March 2004, made an arrangement to transfer his obligations under the terms of service to another medical practitioner under paragraph 20(2) of Schedule 2 to the General Medical Services Regulations (Northern Ireland) 1997<sup>(1)</sup>,
    - (ii) a partnership in which all of the partners who are general medical practitioners have made arrangements on or before 31st March 2004 to transfer their obligations under the terms of service to other medical practitioners under that paragraph, or
    - (iii) a company in which all of the general medical practitioners who own shares in that company have on or before 31st March 2004 made arrangements to transfer their obligations under the terms of service to other medical practitioners under that paragraph ;
  - (c) the contractor has opted out in accordance with paragraph 4 or 5 of Schedule 2; or
  - (d) the contract has been otherwise varied to exclude a requirement to make such provision.
- (2) The services referred to in paragraph (1) are –
- (a) the services which must be provided in core hours under regulation 15; and
  - (b) such additional services as are included in the contract pursuant to regulation 29.

**31.—(1)** Where the contract is with –

- (a) an individual medical practitioner who is, or was on 31st March 2004, responsible for providing services during all or part of the out of hours period to the patients of a medical practitioner who meets the requirements in paragraph (2);
- (b) two or more individuals practising in partnership at least one of whom is, or was on 31st March 2004, a medical practitioner responsible for providing such services; or
- (c) a company in which one or more of the shareholders is, or was on 31st March 2004, a medical practitioner responsible for providing such services,

the contract with that contractor must require the contractor to continue to provide such services to the patients of the exempt contractor until the happening of one of the events in paragraph (3).

(2) The requirements referred to in paragraph (1)(a) are that –

- (a) the medical practitioner had made an arrangement to transfer his obligations under the terms of service to another medical practitioner under paragraph 20(2) of Schedule 2 to the General Medical Services Regulations (Northern Ireland) 1997; and
- (b) he –
  - (i) has entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b)(i),
  - (ii) is one of two or more individuals practising in partnership who have entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b) (ii), or
  - (iii) is the owner of shares in a company which has entered or intends to enter into a contract which does not include out of hours services pursuant to regulation 30(1)(b) (iii).

(3) The events referred to in paragraph (1) are –

- (a) the contractor has opted out of the provision of out of hours services in accordance with paragraph 4 or 5 of Schedule 2; or
- (b) the Board (and, if it is different, the Board with whom the exempt contractor holds his contract) has or have agreed in writing that the contractor need no longer provide some or all of those services to some or all of those patients.

(4) In this regulation “exempt contractor” means a contractor who is exempt from providing out of hours services pursuant to regulation 30(1)(b).

**32.** A contract which includes the provision of out of hours services pursuant to regulation 30 or 31 must contain terms which have the same effect as those set out in Schedule 6.