
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 140

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

PART 1
GENERAL

Interpretation

2. In these Regulations –

“additional services” means one or more of –

- (a) cervical screening services,
- (b) contraceptive services,
- (c) vaccinations and immunisations,
- (d) childhood vaccinations and immunisations,
- (e) child health surveillance services,
- (f) maternity medical services, and
- (g) minor surgery;

“adjudicator” means the Department or a person or persons appointed by the Department under Article 8(6) of the 1991 Order or paragraph 93(5) of Schedule 5;

“appliance” means an appliance which is included in a list for the time being approved by the Department for the purposes of Article 63 of the Order;

“approved medical practice” shall be construed in accordance with section 11(4) of the Medical Act 1983⁽¹⁾;

“Article 15B provider” means a person who is providing primary medical services in accordance with Article 15B arrangements⁽²⁾;

“assessment panel” means a committee or sub-committee of a Board (other than the Board which is a party to the contract in question) appointed to exercise functions under paragraphs 31 and 35 of Schedule 5;

“Board” means, unless the context otherwise requires, the Health and Social Services Board which is a party, or prospective party, to the contract;

“CCT” means Certificate of Completion of Training awarded under Article 8 of the 2003 Order, including any such certificate awarded in pursuance of the competent authority functions of the Postgraduate Medical Education and Training Board specified in Article 20(3)(a) of that Order;

“cervical screening services” means the services described in paragraph 2(2) of Schedule 1;

(1) 1983 c. 54; section 11(4) was amended by the National Health Service (Primary Care) Act 1997 (c. 46), section 35(4) and Schedule 2, paragraph 61(2)

(2) Definition inserted by Schedule 2 to S.I. 1997/1177(N.I. 7)

“charity trustee” means one of the persons having the general control and management of the administration of a charity;

“chemist” means –

- (a) a registered pharmacist,
- (b) a person lawfully conducting a retail pharmacy business in accordance with section 69 of the Medicines Act 1968⁽³⁾, or
- (c) a supplier of appliances,

who is included in the pharmaceutical list under Article 63 of the Order.

“child health surveillance services” means the services described in paragraph 6(2) of Schedule 1;

“childhood vaccinations and immunisations” means the services described in paragraph 5(2) of Schedule 1;

“closed”, in relation to the contractor’s list of patients, means closed to applications for inclusion in the list of patients other than from immediate family members of registered patients;

“contraceptive services” means the services described in paragraph 3(2) of Schedule 1;

“contract” means a general medical services contract under Article 57 of the Order;

“contractor’s list of patients” means the list prepared and maintained by the Board under paragraph 14 of Schedule 5;

“core hours” means the period beginning at 8am and ending at 6.30pm on any day from, and including, Monday to Friday except a public holiday and a local holiday agreed with the Board;

“dispensing services” means the provision of drugs, medicines or appliances that may be provided by a medical practitioner in accordance with arrangements made under regulation 11 of the Pharmaceutical Regulations;

“disqualified” means local or general disqualification by the Tribunal under paragraph 3(2) of Schedule 11 to the Order⁽⁴⁾ (or a decision under provisions in operation in England, Wales or Scotland corresponding to local or general disqualification), but does not include conditional disqualification under paragraph 4 of Schedule 1 to the Order;

“Drug Tariff” means the statement published under regulation 9 of the Pharmaceutical Regulations;

“enhanced services” are –

- (a) services other than essential services, additional services or out of hours services; or
- (b) essential services, additional services or out of hours services or an element of such a service that a contractor agrees under the contract to provide in accordance with specifications set out in a plan, which requires of the contractor an enhanced level of service provision compared to that which it needs generally to provide in relation to that service or element of service;

“essential services” means the services required to be provided in accordance with regulation 15;

“general medical practitioner” means –

(3) 1968 c. 67; section 69 was amended by the Statute Law (Repeals) Act 1993 (c. 50) and the Pharmacists (Fitness to Practise) Act 1997 (c. 19), Schedule 5, paragraph 5

(4) Schedule 11 is substituted by Schedule 2 to the Health and Personal Social Services Act (Northern Ireland) 2001 c. 3 (N.I.)

- (a) from the coming into operation of Article 10 of the 2003 Order, a medical practitioner whose name is included in the General Practitioner Register otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order, and
- (b) until the coming into operation of that Article, a medical practitioner who is either –
 - (i) until the coming into operation of paragraph 22 of Schedule 8 to the 2003 Order, suitably experienced within the meaning of Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978⁽⁵⁾, section 31(2) of the National Health Service Act 1977⁽⁶⁾ or section 21 of the National Health Service (Scotland) Act 1978⁽⁷⁾; or
 - (ii) upon the coming into operation of paragraph 22 of Schedule 8 to the 2003 Order, an eligible general practitioner pursuant to that paragraph other than by virtue of having an acquired right under paragraph 1(d) of Schedule 6 to the 2003 Order;

“General Practitioner Register” means the register kept by the General Medical Council under Article 10 of the 2003 Order;

“global sum” has the same meaning as in the Statement of Financial Entitlements;

“GP Registrar” –

- (a) until the coming into operation of Article 5 of the 2003 Order, means a medical practitioner who is being trained in general practice by a medical practitioner who –
 - (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998⁽⁸⁾, and
 - (ii) performs primary medical services, and
- (b) from the coming into operation of that Article, means a medical practitioner who is being trained in general practice by a GP Trainer whether as part of training leading to the award of a CCT or otherwise;

“GP Trainer” means a general medical practitioner who is –

- (a) until the coming into operation of Article 4(5)(d) of the 2003 Order, approved as a GP Trainer by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998; or
- (b) from the coming into operation of that Article, approved by the Postgraduate Medical Education and Training Board under Article 4(5)(d) of the 2003 Order for the purposes of providing training to a GP Registrar under Article 5(1)(c)(i);

“Health Board” means a Health Board established under section 2 of the National Health Service (Scotland) Act 1978⁽⁹⁾;

“health services body” means –

- (a) any person or body referred to in Article 8(2) of the 1991 Order;
- (b) persons entering into a contract who are to be regarded as a health services body in accordance with regulation 10 (health services body status);

“HSS contract” has the meaning assigned to it by Article 8 of the 1991 Order;

“immediate family member” means –

(5) S.I. 1978/1907 (N.I. 26)
(6) 1977 c. 49
(7) 1978 c. 29
(8) S.R. 1998 No. 13
(9) 1978 c. 29

- (a) a spouse,
- (b) a person (whether or not of the opposite sex) whose relationship with the registered patient has the characteristics of the relationship between husband and wife,
- (c) a parent or step-parent,
- (d) a son,
- (e) a daughter,
- (f) a child of whom the registered patient is –
 - (i) the guardian, or
 - (ii) the person with whom the child has been placed by an authority under Article 27(2) of the Children (Northern Ireland) Order 1995⁽¹⁰⁾, or
- (g) a grandparent;

“independent nurse prescriber” means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) who is registered in the Nursing and Midwifery Register, and –
- (c) in respect of whom an annotation signifying that he is qualified to order drugs, medicines and appliances from –
 - (i) the Nurse Prescribers' Formulary for District Nurses and Health Visitors in Part XVIIB(i) of the Drug Tariff, or
 - (ii) the Nurse Prescribers' Extended Formulary in Part XVIIB(ii) of the Drug Tariff,
 is also recorded in that register;

“licensing authority” shall be construed in accordance with section 6(3) of the Medicines Act 1968⁽¹¹⁾;

“licensing body” means any body that licenses or regulates any profession;

“limited partnership” means a partnership registered in accordance with section 5 of the Limited Partnerships Act 1907⁽¹²⁾;

“Local Health Board” means a body established under section 16BA of the National Health Services Act 1977⁽¹³⁾;

“Local Medical Committee” means the committee of that name recognised by a Board under Article 55B of the Order⁽¹⁴⁾(Local medical committees) ;

“maternity medical services” means the services described in paragraph 7 of Schedule 1;

“medical card” means a card issued by the Agency, a Primary Care Trust, Local Health Board, Health Authority or Health Board to a person for the purpose of enabling him to obtain, or establishing his title to receive, primary medical services;

“medical officer” means a medical practitioner who is –

- (a) employed or engaged by the Department for Social Development, or
- (b) provided by an organisation in pursuance of a contract entered into with the Department for Social Development;

“Medical Register” means the registers kept under section 2 of the Medical Act 1983⁽¹⁵⁾;

⁽¹⁰⁾ S.I. 1995/755 (N.I. 2)

⁽¹¹⁾ 1968 c. 67.

⁽¹²⁾ 1907 c. 24

⁽¹³⁾ Section 16BA is inserted by section 6 of the National Health Service Reform and Health Care Professions Act 2002 c. 17

⁽¹⁴⁾ Article 55B was inserted into the Order by paragraph 9 of Schedule 1 to the 2004 Order

⁽¹⁵⁾ 1983 c. 54; section 2 was amended by S.I. 1996/1591 and 2002/3135

“minor surgery” means the services described in paragraph 8(2) of Schedule 1;

“national disqualification” means a general disqualification by the Tribunal under paragraph 3(2)(b) of Schedule 11 to the Order or a decision under corresponding provisions in operation in England, Wales or Scotland;

“the dispute resolution procedure” means the procedure for resolution of disputes specified –

- (a) in paragraphs 92 and 93 of Schedule 5; or
- (b) in a case to which paragraph 36 of Schedule 5 applies, in that paragraph.

“normal hours” means those days and hours on which and the times at which services under the contract are normally made available and may be different for different services;

“the Northern Ireland Commissioner for Complaints” means the person appointed under section 36(1) of the Northern Ireland Constitution Act 1973⁽¹⁶⁾;

“NHS Foundation Trust” shall be construed in accordance with Part 1 of the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁷⁾;

“NHS Trust” means a trust established under Part 1 of the National Health Service and Community Care Act 1990⁽¹⁸⁾;

“Nursing and Midwifery Register” means the register maintained by the Nursing and Midwifery Council under the Nursing and Midwifery Order 2001⁽¹⁹⁾;

“open”, in relation to a contractor’s list of patients, means open to applications from patients in accordance with paragraph 15 of Schedule 5;

“the Order” means the Health and Personal Social Services (Northern Ireland) Order 1972;

“the 1991 Order” means the Health and Personal Social Services (Northern Ireland) Order 1991;

“the 2003 Order” means the General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003⁽²⁰⁾;

“out of hours period” means –

- (a) the period beginning at 6.30pm on any day from, and including, Monday to Thursday and ending at 8am on the following day;
- (b) the period between 6.30pm on, and including, Friday and 8am on the following Monday; and
- (c) any public holiday or local holiday agreed with the Board,

and “part” of an out of hours period means any part of any one or more of the periods described in paragraphs (a) to (c);

“out of hours services” means services required to be provided in all or part of the out of hours period which –

- (a) would be essential services if provided in core hours, or
- (b) are included in the contract as additional services funded under the global sum;

“patient” means –

- (a) registered patient,
- (b) a temporary resident,

(16) 1973 c. 36
(17) 2003 c. 43
(18) 1990 c. 19
(19) S.I. 2003/253
(20) S.I. 2003/1250

- (c) persons to whom the contractor is required to provide immediately necessary or necessary treatment under regulation 15(6) or (8) respectively,
- (d) any other person to whom the contractor has agreed to provide services under the contract, and
- (e) any person for whom the contractor is responsible under regulation 31;

“Pharmaceutical Regulations” means the Pharmaceutical Services Regulations (Northern Ireland) 1997⁽²¹⁾;

“the POM Order” means the Prescription Only Medicines (Human Use) Order 1997⁽²²⁾;

“practice” means the business operated by the contractor for the purpose of delivering services under the contract;

“practice area” means the area referred to in regulation 18(1)(d);

“practice leaflet” means a leaflet drawn up in accordance with paragraph 71 of Schedule 5;

“practice premises” means an address specified in the contract as one at which services are to be provided under the contract;

“prescriber” means –

- (a) a medical practitioner,
- (b) an independent nurse prescriber, and
- (c) a supplementary prescriber,

who is either engaged or employed by the contractor or is a party to the contract;

“prescription form” means a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services;

“prescription only medicine” means a medicine referred to in Article 3 of the POM Order (medicinal products on prescription only);

“primary medical services performers list” means the list of persons performing primary medical services prepared in accordance with regulations made under Article 57G of the Order⁽²³⁾ (persons performing primary medical services);

“primary carer” means, in relation to an adult the person primarily caring for him;

“Primary Care Trust” means a Primary Care Trust established under section 16A of the National Health Service Act 1977⁽²³⁾;

“registered nursing home” means a nursing home in respect of which a person is registered under Part III of the Registered Homes (Northern Ireland) 1992⁽²⁴⁾;

“registered patient” means –

- (a) a person who is recorded by the Board as being on the contractor’s list of patients, or
- (b) a person whom the contractor has accepted for inclusion on his list of patients, whether or not notification of that acceptance has been received by the Board and who has not been notified by the Board as having ceased to be on that list;

“relevant register” means –

- (a) in relation to a nurse, the Nursing and Midwifery Register; and

(21) S.R. 1997 No. 381

(22) S.I. 1997/1830 as amended by S.I. 1997/2044, 1998/108, 1178 and 2081, 1999/1044 and 3463, 2000/1917, 2889 and 3231, 2001/2777, 2889 and 3942, 2002/549 and 2469 and 2003/696. (24) Article 57G was inserted by Article 8 of the 2004 Order

(23) 1977 c. 49; section 16A was inserted by the Health Act 1999 (c. 8), section 2(1)

(23) 1977 c. 49; section 16A was inserted by the Health Act 1999 (c. 8), section 2(1)

(24) S.I. 1992/3204 (N.I. 20)

- (b) in relation to a pharmacist, the register maintained in pursuance of section 2(1) of the Pharmacy Act 1954⁽²⁵⁾ or the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976⁽²⁶⁾;

“restricted availability appliance” means an appliance which is approved for particular categories of persons or particular purposes only;

“Statement of Financial Entitlements” means the directions given by the Department under Article 57C of the Order⁽²⁷⁾;

“Strategic Health Authority” means an authority established under section 8 of the National Health Services Act 1977⁽²⁸⁾;

“Scheduled drug” means –

- (a) a drug, medicine or other substance specified in any directions given by the Department under Article 57D of the Order⁽²⁹⁾ as being a drug, medicine or other substance which may not be ordered for patients in the provision of medical services under the contract, or
- (b) except where the conditions in paragraph 40(2) of Schedule 5 are satisfied, a drug, medicine or other substance which is specified in any directions given by the Department under Article 57D of the Order as being a drug, medicine or other substance which can only be ordered for specified patients and specified purposes;

“supplementary prescriber” means a person –

- (a) who is either engaged or employed by the contractor or is a party to the contract,
- (b) whose name is registered in –
- (i) Parts 1, 3, 5, 8, 10, 11, 12, 13, 14 or 15 of the Nursing and Midwifery Register,
 - (ii) the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act 1954, or
 - (iii) the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976, and
- (c) against whose name is recorded in the relevant register an annotation signifying that he is qualified to order drugs, medicines and appliances as a supplementary prescriber;

“temporary resident” means a person accepted by the contractor as a temporary resident under paragraph 16 of Schedule 5 and for whom the contractor’s responsibility has not been terminated in accordance with that paragraph;

“the Tribunal” means the body constituted under Schedule 11 to the Order⁽³⁰⁾;

“working day” means any day apart from Saturday, Sunday, a public holiday or a local holiday agreed with the Board;

“writing”, except in paragraph 96(1) of Schedule 5, includes electronic mail and “written” shall be construed accordingly.

(25) 1954 c. 61.

(26) S.I. 1976/1213 (N.I. 22)

(27) Article 57C was inserted into the Order by Article 4 of the 2004 Order

(28) Section 8 was substituted by section 1 of the National Health Service Reform and Health Care Professions Act 2002 c. 17

(29) Article 57D was inserted into the Order by Article 4 of the 2004 Order

(30) Schedule 11 was substituted by Schedule 2 to the Health and Personal Social Services (Northern Ireland) Order 2001 (c. 3)