

STATUTORY INSTRUMENTS

1997 No. 1177

**The Health Services (Primary Care)
(Northern Ireland) Order 1997**

^{F1} PART II

PILOT SCHEMES FOR PRIMARY CARE

Preparation and making of pilot schemes

Pilot schemes

3.—(1) In this Order “pilot scheme” means one or more agreements made by [^{F1}the Department] in accordance with this Part under which—

^{F2}(a)

(b) personal dental services are provided (otherwise than by [^{F3}the Department]).

^{F4}(2)

(3) A pilot scheme may include arrangements for the provision of [^{F5}health care]—

(a) which are not ^{F6}... personal dental services; but

(b) which may be provided under Part II of the 1972 Order.

(4) In this Order “piloted services” means services provided in accordance with a pilot scheme (including any services to which the scheme applies by virtue of paragraph (3)).

(5) Except to such extent as may be prescribed—

^{F7}(a)

(b) a patient for whom personal dental services are provided under a pilot scheme is not to count as a person for whom arrangements must be made by [^{F8}the Department] under Article 61 of the 1972 Order.

(6) The functions of an [^{F9}HSC trust] include power to provide piloted services, and to do so as a member of a qualifying body (within the meaning of Article 4 or 5).

(7) For the purposes of this Part—

^{F10} ...

“personal dental services” means dental services of a kind that may be provided by a general dental practitioner in accordance with arrangements made under Part VI of the 1972 Order.

F1 Words in art. 3(1) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 174\(2\)\(a\)](#); S.R. 2022/102, art. 2(b)

F2 Art. 3(1)(a) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\)](#), s. 8(1)(b), [Sch. 1 para. 174\(2\)\(b\)](#); S.R. 2022/102, art. 2(b)

- F3** Words in art. 3(1)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(2)(c)**; S.R. 2022/102, art. 2(b)
- F4** Art. 3(2) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(3)**; S.R. 2022/102, art. 2(b)
- F5** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(b)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F6** Words in art. 3(3)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(4)**; S.R. 2022/102, art. 2(b)
- F7** Art. 3(5)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(5)(a)**; S.R. 2022/102, art. 2(b)
- F8** Words in art. 3(5)(b) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(5)(b)**; S.R. 2022/102, art. 2(b)
- F9** Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1), ss. 32, 34(3), **Sch. 6 para. 1(1)(d)** (with Sch. 6 para. 1(3)); S.R. 2009/114, **art. 2**
- F10** Words in art. 3(7) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 174(6)**; S.R. 2022/102, art. 2(b)

Provision of personal medical services under a pilot scheme

^{F11}4.

- F11** Art. 4 omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 175**; S.R. 2022/102, art. 2(b)

Provision of personal dental services under a pilot scheme

5.—(1) This Article applies to any pilot scheme under which personal dental services are provided.

(2) An agreement which constitutes, or is one of the agreements which together constitute, a pilot scheme may be made by [^{F12}the Department] only with one or more of the following—

- (a) an [^{F13}HSC trust];
- (b) a dental practitioner whose name is included in a dental list;
- (c) an [^{F14}HSC employee] or a pilot scheme employee;
- (d) a qualifying body;
- (e) an individual who is providing personal dental services under that or another pilot scheme.

(3) In this Article—

“dental list” means a list prepared in accordance with regulations under Article 61(2)(a) of the 1972 Order;

“ [^{F14}HSC employee]” means an individual who, in connection with the provision of [^{F15}health care], is employed by—

- (a) an [^{F13}HSC trust];
- (b) a dental practitioner whose name is included in a dental list; or
- (c) a dental practitioner who is providing personal dental services in accordance with a pilot scheme;

“pilot scheme employee” means an individual who, in connection with the provision of personal dental services in accordance with a pilot scheme, is employed by an individual providing those services;

“qualifying body” means—

- (a) a body corporate which, in accordance with the provisions of Part IV of the Dentists Act 1984, is entitled to carry on the business of dentistry; or
- (b) a company which is limited by shares all of which are legally and beneficially owned by persons falling within sub-paragraph (a), (b), (c) or (e) of paragraph (2).

- F12** Words in art. 5(2) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 176](#); S.R. 2022/102, art. 2(b)
- F13** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(d\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)
- F14** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(f\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)
- F15** Words in Order substituted (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\), ss. 32, 34\(3\), Sch. 6 para. 1\(1\)\(b\)](#) (with Sch. 6 para. 1(3)); S.R. 2009/114, [art. 2](#)

Proposals for pilot schemes

^{F16}6.

- F16** [Art. 6](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 177](#); S.R. 2022/102, art. 2(b)

Approval of pilot schemes

^{F17}7.

- F17** [Art. 7](#) omitted (1.4.2022) by virtue of [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 177](#); S.R. 2022/102, art. 2(b)

[^{F18}Implementation of pilot schemes

- 8.—**(1) Before implementing a pilot scheme the Department must—
- (a) prepare proposals for the scheme, and
 - (b) consult such persons as appear to it to be representative of persons who, in the opinion of the Department, may be significantly affected by the scheme.
- (2) Proposals for a pilot scheme must include satisfactory provision for any participant other than the Department to withdraw from the scheme if the participant wishes to do so.
- (3) A proposed participant in a pilot scheme (other than the Department) may withdraw at any time before the scheme is implemented in relation to that person.
- (4) As soon as is reasonably practicable after implementing a pilot scheme, the Department must publish such details of the scheme as it considers to be appropriate.]

- F18** [Art. 8](#) substituted (1.4.2022) by [Health and Social Care Act \(Northern Ireland\) 2022 \(c. 3\), s. 8\(1\)\(b\), Sch. 1 para. 178](#); S.R. 2022/102, art. 2(b)

Changes to legislation:

There are currently no known outstanding effects for the The Health Services (Primary Care) (Northern Ireland) Order 1997, Cross Heading: Preparation and making of pilot schemes.