

## SCHEDULE 1

Article 89

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976*

1.—(1) The Social Security (Medical Evidence) Regulations (Northern Ireland) 1976(1) shall be amended as provided in this paragraph.

(2) In Part 1 of Schedule 1 (rules), for paragraph 3 substitute –

“3. Where the claimant is on the list of a person providing primary medical services under the Health and Personal Social Services (Northern Ireland) Order 1972 and is being attended by a doctor performing such services, the doctor’s statement shall be on the form provided by the Department for the purpose and shall be signed by that doctor.”.

#### *Medicines (Pharmacy and General Sale – Exemption) Order 1980*

2.—(1) The Medicines (Pharmacy and General Sale – Exemption) Order 1980(2) shall be amended as provided in this paragraph.

(2) In paragraph (3), for sub-paragraph (b)(iii) substitute –

“(iii) in relation to Northern Ireland, the provision of primary medical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972;”.

#### *The Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985*

3. In the Statutory Sick Pay (Medical Evidence) Regulations (Northern Ireland) 1985(3), in Part 1 of Schedule 1 (rules)(4), for paragraph 3 substitute –

“3. Where the patient is on the list of a person providing primary medical services under the Health and Personal Social Services (Northern Ireland) Order 1972 and is being attended by a doctor performing such services, the doctor’s statement shall be on the form provided by the Department for the purpose and shall be signed by the attending doctor.”.

#### *General Ophthalmic Services Regulations (Northern Ireland) 1986*

4.—(1) The General Ophthalmic Services Regulations (Northern Ireland) 1986(5) shall be amended as provided in this paragraph.

(2) In Schedule 1, for paragraph 8C (complaints against ophthalmic medical practitioners) substitute –

“(1) Where a contractor who, being an ophthalmic medical practitioner, also performs primary medical services under a GMS contract for any person to whom he provides general ophthalmic services, the complaints procedure established and operated in accordance with the terms of that GMS contract shall apply in relation to any matter reasonably connected with his provision of general ophthalmic services as it applies as respects the provision of services under the GMS contract.

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(1) S.R. 1976 No. 175; relevant amending Rule is S.R. 1999 No. 100

(2) S.I. 1980/1924

(3) S.R. 1985 No. 321

(4) Schedule 1 was amended by S.R. 1999 No. 100

(5) S.R. 1986 No. 163; relevant amending Regulations are S.R. 1989 No. 113, S.R. 1995 No. 115, S.R. 1996 No. 416, S.R. 1999 No. 112 and 394, S.R. 2002 No. 85 and S.R. 2003 No. 176

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(2) Accordingly, any requirement as to co-operation with investigations of complaints by other bodies imposed on a GMS contractor under the term of his contract which gives effect to paragraph 89 of Schedule 5 to the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004<sup>(6)</sup> also applies in relation to complaints about such matters.

(3) In this paragraph –

“GMS contract” means a general medical services contract under Article 57 of the Order and “general medical services contractor” shall be construed accordingly.

(4) For as long as there are in existence contracts entered into under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004<sup>(7)</sup> (“default contracts”), any reference in this paragraph to a GMS contract shall be read as including a reference to a contract entered into under that Article and any reference to a term of a GMS contract shall be read as including a reference to the equivalent term of the default contract.”

*Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994*

5. The Health and Social Services Trusts (Membership and Procedure) Regulations (Northern Ireland) 1994<sup>(8)</sup> shall be amended as provided in this paragraph.

(1) In regulation 1 (citation, commencement and interpretation), omit the definition of “general medical practitioner”.

(2) In regulation 11 (disqualification for appointment of chairman and non-executive directors), in paragraph (1) –

(a) for sub-paragraph (f), for “he is a general medical practitioner” substitute –

“(f) he –

(i) performs or provides primary medical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972,

(ii) is a partner in a partnership that, or is the legal and beneficial owner of shares in a company that, provides primary medical services under Part VI of that Order, or

(iii) is an employee of any of those, or

(iv) is a general dental practitioner or an employee of one; or;”

(b) in sub-paragraph (h), insert at the end “or a list prepared pursuant to Article 57G<sup>(9)</sup> of that Order”.

*The Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996*

6.—(1) The Children (Private Arrangements for Fostering) Regulations (Northern Ireland) 1996<sup>(10)</sup> shall be amended as provided in this paragraph.

(2) In regulation 2 (general welfare of children), in paragraph (2)(f) for the words “general medical practitioner” to the end, substitute “person who provides primary medical services pursuant to Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972.”.

<sup>(6)</sup> S.R. 2004 No. 140

<sup>(7)</sup> S.R. 2004 No. 141

<sup>(8)</sup> S.R. 1994 No. 63

<sup>(9)</sup> Article 57G was inserted into the Order by Article 8 of the 2004 Order

<sup>(10)</sup> S.R. 1996 No. 452

*The General Dental Services Regulations (Northern Ireland) 1993*

7. In the General Dental Services Regulations (Northern Ireland) 1993<sup>(11)</sup>, in regulation 2 (interpretation)<sup>(12)</sup> –

- (a) in the definition of “Local Dental Committee” omit “, Local Medical Committee”; and
- (b) after the definition of “Local Dental Committee” insert –  
““Local Medical Committee” means a committee recognised by the Board under Article 55B of the Order<sup>(13)</sup>

*The Health and Personal Social Services (Disciplinary Procedures) Regulations (Northern Ireland) 1996*

8. Subject to Articles 70 to 80, the Health and Personal Social Services (Disciplinary Procedures) Regulations 1996<sup>(14)</sup> shall be amended as follows –

- (a) in regulation 2 (interpretation) –
  - (i) in paragraph (1) –
    - (aa) omit the definitions of “Local Medical Committee”, “medical discipline committee”, “medical list” and “medical officer”;
    - (bb) in the definition of “deputy”, omit paragraph (a);
    - (cc) in the definition of “Part VI service”, omit the words “general medical services”;
    - (dd) in the definition of “practitioner”, omit the word “doctor,”;
    - (ee) in the definition of “relevant local representative committee”, omit paragraph (a);
    - (ff) in the definition of “terms of service”, omit “the terms of service for doctors contained in Schedule 1”;
    - (gg) in the definition of “treatment”, omit the words “in relation to general medical services, has the same meaning as in the General Medical and Pharmaceutical Regulations, and,”;
  - (b) in regulation 3 (establishment of committees), omit paragraph (1)(a);
  - (c) in regulation 4 (provisions relating to the start of disciplinary proceedings) –
    - (i) omit paragraph (5)(b) and (6); and
    - (ii) in paragraph (5)(a), omit the word “medical”;
  - (d) in regulation 5 (referral to discipline committee), omit paragraph (2)(a);
  - (e) in regulation 6 (time limits), in paragraph (3)(a), omit the word “doctor,”;
  - (f) in regulation 8 (determination of appropriate Board), omit paragraphs (3) and (4);
  - (g) in regulation 9 (appeal to the Department) –
    - (i) in paragraph (1)(b), omit (3), and
    - (ii) in paragraph (5), omit “(3),” in the second place it appears;
  - (h) in regulation 10 (procedure on appeal) –
    - (i) in paragraph (5), omit “(3),”;

<sup>(11)</sup> S.R. 1993 No. 326

<sup>(12)</sup> The definition of “local dental committee” was amended by S.I. 1991/194 (N.I. 1)

<sup>(13)</sup> Article 55B was inserted into the Order by paragraph 9 of Schedule 1 to the 2004 Order

<sup>(14)</sup> S.R. 1996 No. 137 as amended by S.R. 1999 No. 15

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- (ii) in paragraph (7), omit sub-paragraph (a), and
- (iii) in paragraph (8), omit sub-paragraph (a);
- (i) in regulation 11 (recovery of amounts from practitioners following appeal), in paragraph (4), for the words “paragraphs (3), or”, substitute “paragraph”;
- (j) omit regulations 14 (excessive prescribing by doctors), 15 (investigation of certification), 16 (investigation of record keeping) and 17 (decision as to treatment for which fees may be charged by doctors);
- (k) in regulation 21 (referral of matters to professional bodies), in paragraph (3)(a) omit the words “a doctor or”;
- (l) in Schedule 1 (constitution of discipline committees) –
  - (i) omit paragraph 2(1)(b)(ii),
  - (ii) in paragraph 2(2), for “(ii)”, substitute “(iii)”,
  - (iii) in paragraph 2(4), omit sub-paragraph (a), and
  - (iv) in paragraph 8(b)(i), omit the word “doctor” and omit sub-paragraph (c)(i);
- (m) in Schedule 2 (procedure for investigation by discipline committees) –
  - (i) in paragraph 2, omit sub-paragraph (1)(a), and
  - (ii) in paragraph 9, omit sub-paragraph (c)(i) and (d);
- (n) in Schedule 3, omit paragraph 1; and
- (o) omit Schedule 4 (rules of procedure under regulation 17).

*The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001*

9.—(1) The Health and Personal Social Services (Injury Benefits) Regulations (Northern Ireland) 2001(15) shall be amended as provided in this paragraph.

- (2) In regulation 2 (interpretation) –
  - (a) for the definition of “assistant practitioner” substitute –
    - ““assistant practitioner” means –
      - (a) a person on the primary medical services performers list who is employed (other than by a Health and Social Services Board) to perform primary medical services under a GMS contract, a default contract or a PMS agreement; or
      - (b) an employee of a dental practitioner whose name is included on a list being himself a dental practitioner who, in such employment, is engaged in assisting his employer in the actual discharge of his duties as such practitioner and for whose employment the consent of the Health and Social Services Board is required;”;
  - (b) for the definition of “medical list”, substitute in the appropriate place –
    - ““primary medical services performers list” means a list prepared by a Health and Social Services Board pursuant to regulation 4(1) of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(16);”
  - (c) in the definition of “practitioner” –

(15) S.R. 2001 No. 367

(16) S.R. 2004 No. 149

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- (i) in paragraph (a) for “a registered medical practitioner or a registered dentist whose name is included in the medical list of a Health and Social Services Board or, as the case may be,” substitute “a registered dentist whose name is included”,
  - (ii) in paragraph (c), omit “a registered medical practitioner or”,
  - (iii) omit “and” after paragraph (d),
  - (iv) in paragraph (e) –
    - (aa) for “a registered medical practitioner or a registered dentist who is a medical pilot scheme employee or, as the case may be, a dental pilot scheme employee,” substitute “a registered dentist who is a dental pilot scheme employee”;
    - (bb) in sub-paragraph (i), omit “the medical list or, as the case may be,”
    - (cc) in the full out words at the end, omit “medical or”, and
    - (dd) at the end, insert “and”, and
  - (v) at the end, add paragraph (f) –
    - “(f) a registered medical practitioner who is included in a primary medical services performers list and who is providing services under –
      - (i) a GMS contract or a default contract, or
      - (ii) a PMS agreement;”;
  - (d) omit the definitions of “medical pilot scheme employee” and “personal medical services”; and
  - (e) insert, in the appropriate place –
    - ““default contract” means a contract under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004(17);
    - “GMS contract” means a contract under Article 57 of the 1972 Order(18);
    - “PMS agreement” means an agreement made under Article 15B of the 1972 Order(19)
- (3) In regulation 3 (persons to whom the regulations apply), omit paragraph (1)(f).
- (4) In regulation 5 (recovery of costs), in paragraph (7)(c), for “to –
- (b) a person providing piloted services, or
  - (d) a registered medical practitioner who is a medical pilot scheme employee,”

#### *The Prescription Only Medicines (Human Use) Order 1997*

10.—(1) The Prescription Only Medicines (Human Use) Order 1997(20) shall be amended as provided in this paragraph.

(2) In Article 12B (exemption for health professionals who supply or administer prescription only medicines under a Patient Group Direction in order to assist doctors or dentists in providing national health services)(21), for paragraph 3(b)(iii) substitute –

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(17) [S.R. 2004 No. 141](#)

(18) Article 57 was inserted into the 1972 Order by Article 4 of the Primary Medical Services (Northern Ireland) Order 2004 (N.I. 2) (“the 2004 Order”)

(19) Article 15B was inserted into the 1972 Order by Article 21 of the 1997 Order and amended by Articles 6 and 7 of the 2004 Order

(20) [S.I. 1997/1830](#)

(21) Article 12B was inserted by [S.I. 2000/1917](#) and amended by [S.I. 2002/2469](#)

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“(iii) in relation to Northern Ireland, the provision of primary medical services under Part VI of the Health and Personal Social Services (Northern Ireland) Order 1972.”.

*The Charges for Drugs and Appliances Regulations (Northern Ireland) 1997*

11.—(1) The Charges for Drugs and Appliances Regulations (Northern Ireland) 1997<sup>(22)</sup> shall be amended as provided in this paragraph.

(2) In regulation 2 (interpretation), in paragraph (1) –

(a) omit the definition of “medical list”;

(b) in the definition of “patient”, for paragraph (a) substitute –

“(a) any person who is provided with primary medical services under Part VI of the Order;”;

(c) in the definition of “prescription form”,

(a) in paragraph (a), omit “a doctor or”;

(b) in paragraph (b) omit “personal medical services” and substitute “primary medical services”;

(d) in the definition of “terms of service”, omit paragraph (a).

(3) In regulation 4 (supply of drugs and appliances by doctors), in paragraph (6), for “payable by the Agency” substitute “payable by the Board”.

*The Health Services (Tribunal and Disciplinary Procedures)  
(Amendment) Regulations (Northern Ireland) 1999*

12. In the Health Services (Tribunal and Disciplinary Procedures) (Amendment) Regulations (Northern Ireland) 1999<sup>(23)</sup> –

(a) in regulation 3(a), omit the definition of “personal medical services”; and

(b) omit regulation 3(b).

*The Health Services (Pilot Schemes: Miscellaneous Provisions and  
Consequential Amendments) Regulations (Northern Ireland) 1999*

13. In the Health Services (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations (Northern Ireland) 1999<sup>(24)</sup>, in Regulation 1(2), omit the definition of “the 1997 Regulations”.

*The Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and  
General Medical Services (Amendment No. 3) Regulations (Northern Ireland) 2001*

14.—(1) The Medical Act 1983 (Approved Medical Practices and Conditions of Residence) and General Medical Services (Amendment No. 3) Regulations (Northern Ireland) 2001<sup>(25)</sup> shall be amended as provided in this paragraph.

(2) In regulation 2 (medical practices qualifying for approval) –

(a) in paragraph (1) for sub-paragraph (a) substitute –

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<sup>(22)</sup> S.R. 1997 No. 382 as amended by S.R. 1998 No. 135, S.R. 1999 No. 100, S.R. 2000 No. 57, S.R. 2001 No. 123, S.R. 2002 No. 91 and S.R. 2003 No. 153

<sup>(23)</sup> S.R. 1999 No. 15

<sup>(24)</sup> S.R. 1999 No. 100

<sup>(25)</sup> S.R. 2001 No. 217

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- (a) “GP Registrar” has the meaning assigned to it in regulation 2(1) of the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004; and”
- (b) in paragraph (2)(d) for “General Practice (GP) Registrar” substitute “GP Registrar”.
- (3) In regulation 3 (conditions as to residence), in paragraph (1) for the words “the General Medical Services Regulations (Northern Ireland) 1997” substitute “The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004.”
- (4) Omit regulation 4 (amendment of the General Medical Services Regulations (Northern Ireland) 1997).

*The General and Specialist Medical Practice  
(Education, Training and Qualifications) Order 2003*

- 15.—(1) The General and Specialist Medical Practice (Education, Training and Qualifications) Order 2003(26) shall be amended as provided in this paragraph.
- (2) In Article 10 (the General Practitioners Register) –
    - (a) in paragraph 4, for sub-paragraph (c), substitute –
      - “(c) in Northern Ireland, be included in a primary medical services performers list”;
    - (b) in paragraph (6), omit sub-paragraph (c).
  - (3) In Schedule 1 (interpretation), insert at the appropriate alphabetical position –
    - ““a primary medical services performers list” means a list of medical practitioners prepared and published pursuant to Article 57G of the Health and Personal Social Services (Northern Ireland) Order 1972;”.
  - (4) In Schedule 8 (transitional, transitory and saving provisions), in paragraph 22(2) (general practitioners permitted to work within the National Health Service during the transitional period) for sub-paragraph (c) substitute –
    - “(c) in Northern Ireland, inclusion in a primary medical services performers list;”.
  - (5) In Schedule 9 (consequential amendments to primary legislation), omit paragraph 7.

*The Health and Personal Social Services (Amendments relating to Prescribing  
by Nurses and Pharmacists etc.) Regulations (Northern Ireland) 2003*

16. In the Health and Personal Social Services Amendments relating to Prescribing by Nurses and Pharmacists etc.) Regulations (Northern Ireland) 2003(27), omit regulation 1(2)(b).

*The Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004*

17. In regulation 3 of the Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004(28) (HS travel expenses), in paragraph (1)(a) for “personal medical” substitute “primary medical services provided under Part VI of the Order”.

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(26) S.I. 2003/1250  
(27) S.R. 2003 No. 447  
(28) S.R. 2004 No. 91