
STATUTORY INSTRUMENTS

1972 No. 1265

**Health and Personal Social Services
(Northern Ireland) Order 1972**

PART II

MAIN FUNCTIONS OF THE MINISTRY

[^{F1} Provision of primary medical services or personal dental services]

[^{F1} **Persons with whom agreements may be made**

15C.—(1) [^{F2}The Department] may make an agreement under Article 15B only with one or more of the following—

- (a) an [^{F3}HSC trust];
- (b) in the case of an agreement under which primary medical services are provided—
 - (i) a medical practitioner who satisfies the prescribed conditions;
 - (ii) a health care professional who satisfies the prescribed conditions;
 - (iii) an individual who is providing services—
 - (A) under a general medical services contract;
 - (B) in accordance with Article 15B arrangements, section 28C arrangements or Article 17C arrangements; or
 - (C) under section 28Q of the National Health Service Act 1977 or section 19 of the National Health Service (Scotland) Act 1978;or has so provided them within such period as may be prescribed;]
- (c) in the case of an agreement under which personal dental services are provided—
 - (i) a qualifying dental practitioner;
 - (ii) an individual who is providing personal dental services in accordance with Article 15B arrangements;
- (d) an [^{F4}HSC employee] or an Article 15B employee;
- (e) a qualifying body.

[^{F5}(1A) The power under paragraph (1) to make an agreement with a person falling within sub-paragraph (b)(iii), or (in the case of an agreement under which primary medical services are provided), sub-paragraph (d), of that paragraph is subject to such conditions as may be prescribed.]

(2) In this Article—

[^{F5}“Article 15B employee” means a person who, in connection with the provision of services in accordance with Article 15B arrangements, is employed by an individual providing or performing those services;]

Changes to legislation: *Health and Personal Social Services (Northern Ireland) Order 1972, Section 15C is up to date with all changes known to be in force on or before 17 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[^{F5}“health care professional” means a member of a profession which is regulated by a body mentioned (at the time the agreement is made) in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17);]

“ [^{F4}HSC employee]” means an individual who, in connection with the provision of [^{F6}health care][^{F5} in Northern Ireland, England and Wales or Scotland], is employed by—

- (a) an [^{F3}HSC trust][^{F5}in Northern Ireland, or an NHS trust or NHS foundation trust in England and Wales];
- (b) [^{F5}[^{F7}the RBSO] in Northern Ireland, ^{F8}... a Local Health Board in Wales or a Health Board in Scotland;
- (bb) a person who is providing services under a general medical services contract;
- (bc) an individual who is providing services as specified in paragraph [^{F9}(1)(b)(iii)(C)] ;]
- (c) in the case of an agreement under which personal dental services are provided—
 - (i) a dental practitioner whose name is included in a list prepared in accordance with regulations made under Article 61(2)(a); or
 - (ii) a dental practitioner who is providing personal dental services in accordance with Article 15B arrangements;

“qualifying body” means—

- (a) a company which is limited by shares all of which are legally and beneficially owned by persons falling within sub-paragraphs (a) to (d) of paragraph (1); and also
- (b) in the case of an agreement under which personal dental services are provided, 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;

“qualifying dental practitioner” means a dental practitioner who satisfies the conditions imposed by regulations made under Article 15D(2)(b);

^{F5} . . .

[^{F5}“section 17C employee” means a person who, in connection with the provision of services in accordance with arrangements under section 17C of the National Health Service (Scotland) Act 1978, is employed by an individual providing or performing those services;]

[^{F5}“section 28C employee” means a person who, in connection with the provision of services in accordance with arrangements under section 28C of the National Health Service Act 1977, is employed by an individual providing or performing those services;]

^{F5} . . .

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| F1 | Arts. 15B, 15C and preceding cross-heading inserted (1.4.2004 for certain purposes) by Health Services (Primary Care) (Northern Ireland) Order 1997 (S.I. 1997/1177) , arts. 1(2) , 21; S.R. 2004/133, art. 2(1) |
| F2 | Words in art. 15C(1) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3) , s. 8(1)(b), Sch. 1 para. 8(2) ; S.R. 2022/102, art. 2(b) |
| F3 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) , s. 34(3), Sch. 6 para. 1(1)(d) ; S.R. 2009/114, art. 2 |
| F4 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) , s. 34(3), Sch. 6 para. 1(1)(f) ; S.R. 2009/114, art. 2 |
| F5 | 2004 NI 2 |
| F6 | Words in Order substituted (1.4.2009) by Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1) , s. 34(3), Sch. 6 para. 1(1)(b) ; S.R. 2009/114, art. 2 |

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- F7** Words in art. 15C(2) substituted (1.4.2022) by Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 8(3)**; S.R. 2022/102, art. 2(b)
- F8** Words in art. 15C(2) omitted (1.4.2013) by virtue of The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 2**
- F9** Word in art. 15C(2) substituted (13.6.2016) by Health (Miscellaneous Provisions) Act (Northern Ireland) 2016 (c. 26), **ss. 13(3)(a)(i)**, 20(2)

Changes to legislation:

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Changes and effects yet to be applied to :

- Instrument amended by [1995 c. 51 s.4Sch. para.30](#)
- art. 15C(1)(b)(iii) substituted by [2016 c. 26 \(N.I.\) s. 13\(2\)](#)
- art. 15C(1)(b)(iii) words substituted by [2008 c. 2 \(N.I.\) s. 14\(3\)](#)
- art. 15C(1)(c) substituted by [2008 c. 2 \(N.I.\) s. 5\(3\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by [2016 c. 26 \(N.I.\)](#), ss. 13(5), 20(2))
- art. 15C(1A) words substituted by [2008 c. 2 \(N.I.\) s. 5\(4\)](#)
- art. 15C(2) words added by [2016 c. 26 \(N.I.\) s. 13\(3\)\(a\)\(ii\)](#)
- art. 15C(2) words inserted by [2008 c. 2 \(N.I.\) s. 5\(5\)\(a\)\(i\)](#)
- art. 15C(2) words inserted by [2016 c. 26 \(N.I.\) s. 13\(3\)\(c\)](#)
- art. 15C(2) words omitted by [2008 c. 2 \(N.I.\) s. 5\(5\)\(a\)\(ii\)\(b\)Sch. 2 Pt. 2](#)
- art. 15C(2) words repealed by [2008 c. 2 \(N.I.\) s. 5\(5\)\(a\)\(ii\)\(b\)Sch. 2 Pt. 2](#)
- art. 15C(2) words repealed by [2016 c. 26 \(N.I.\) s. 13\(3\)\(d\)Sch. 2 Pt. 2](#)
- art. 15C(2) words substituted by [2016 c. 26 \(N.I.\) s. 13\(3\)\(b\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 56(4C)(4D) substituted by [S.I. 2002/3135 Sch. 1 para. 16](#) (This amendment has not been applied as it has been superceded by the substitution of art. 56 by [2004/311 NI 2 art. 3](#))
- art. 61-61E and art. 61F and cross-heading substituted for art. 61 by [2008 c. 2 \(N.I.\) s. 2\(2\)](#) (This amending provision is itself amended (13.6.2016) before it comes into force by [2016 c. 26 \(N.I.\)](#), ss. 9, 20(2))
- art. 98(3) added by [2008 c. 2 \(N.I.\) s. 4\(1\)](#)
- art. 107(1A) inserted by [2008 c. 2 \(N.I.\) s. 4\(4\)\(b\)](#)