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STATUTORY INSTRUMENTS

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**1972 No. 1265**

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

**PART II**

**MAIN FUNCTIONS OF THE MINISTRY**

[<sup>F1</sup> Provision of primary medical services or personal dental services]

**F1** 2004 N.I. 2

**[<sup>F2</sup> Primary medical services or personal dental services]**

**15B.**—(1) A Health and Social Services Board may make one or more agreements with respect to its area, in accordance with the provisions of regulations under Article 15D, under which—

- (a) [<sup>F3</sup>primary medical services] are provided (otherwise than by the Board); or
- (b) personal dental services are provided (otherwise than by the Board).

(2) An agreement made under this Article—

- (a) may not combine arrangements for the provision of [<sup>F3</sup>primary medical services] with arrangements for the provision of personal dental services; but
- (b) may include arrangements for the provision of [<sup>F4</sup>health care]—
  - (i) which are not [<sup>F3</sup>primary medical services] or personal dental services; but
  - (ii) which may be provided under this Part.

(3) Except to such extent as may be prescribed—  
*sub-para. (a) rep. by 2004 NI 2*

- (b) a patient for whom personal dental services are provided under an agreement made under this Article is not to count as a person for whom arrangements must be made by the Health and Social Services Board concerned under Article 61.

(4) This Order has effect, in relation to <sup>F3</sup> . . . personal dental services provided under an agreement made under this Article, as if those services were provided as a result of the delegation by the Department (by directions given under Article 17) of functions of the Department <sup>F5</sup> . . .

(5) The functions of a Health and Social Services Board in relation to an agreement made under this Article are primary functions of the Board for the purposes of Article 9 of the 1991 Order.

(6) For the purposes of this Article—

*Definition rep. by 2004 NI 2*

"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.

**Status:** Point in time view as at 01/04/2013.

**Changes to legislation:** Health and Personal Social Services (Northern Ireland) Order 1972, Provision of primary medical services or personal dental services is up to date with all changes known to be in force on or before 13 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)

- F2** 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\(1\)](#)
- F3** [2004 NI 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\(1\)\(b\)](#); S.R. 2009/114, [art. 2](#)
- F5** Words in art. 15B(4) repealed (1.4.2009) by [Health and Social Care \(Reform\) Act \(Northern Ireland\) 2009 \(c. 1\)](#), s. 34(3), [Sch. 7](#); S.R. 2009/114, [art. 2](#)

## [<sup>F6</sup> **Persons with whom agreements may be made**

**15C.—(1)** A Health and Social Services Board may make an agreement under Article 15B only with one or more of the following—

- (a) an [<sup>F7</sup>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;
- (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 [<sup>F8</sup>HSC employee] or an Article 15B employee;
- (e) a qualifying body.

[<sup>F9</sup>(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—

[<sup>F9</sup>“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;]

[<sup>F9</sup>“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);]

“ [<sup>F8</sup>HSC employee]” means an individual who, in connection with the provision of [<sup>F10</sup>health care][<sup>F9</sup> in Northern Ireland, England and Wales or Scotland], is employed by—

- (a) an [<sup>F7</sup>HSC trust][<sup>F9</sup> in Northern Ireland, or an NHS trust or NHS foundation trust in England and Wales];

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- (b) <sup>F9</sup>a Health and Social Services Board in Northern Ireland, <sup>F11</sup>... 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 (1)(bc)(iii);]
- (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);

<sup>F9</sup> . . .

<sup>F9</sup>“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;]

<sup>F9</sup>“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;]

<sup>F9</sup> . . .

- F6** 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)**
- F7** 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**
- F8** 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**
- F9** 2004 NI 2
- F10** 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**
- F11** 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**

## <sup>F12</sup><sup>F13</sup>**Primary medical services or personal] dental services: regulations**

**15D.—(1)** The Department may make regulations with respect to the provision of services in accordance with Article 15B arrangements.

- (2) The regulations must—

**Status:** Point in time view as at 01/04/2013.

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- (a) include provision for participants other than Health and Social Services Boards to withdraw from Article 15B arrangements if they wish to do so;
- (b) impose conditions (including conditions as to qualifications and experience) to be satisfied by<sup>F14</sup> . . . dental practitioners performing personal dental services, in accordance with Article 15B arrangements.

In sub-paragraph (b) “practitioner” does not include a practitioner who is undergoing training of a prescribed description.

(3) The regulations may, in particular—

- (a) provide that Article 15B arrangements may be made only in prescribed circumstances;
- (b) provide that Article 15B arrangements may be made only in prescribed areas;
- (c) provide that only prescribed services, or prescribed categories of service, may be provided in accordance with Article 15B arrangements;

[ impose conditions (including conditions as to qualifications and experience) to be satisfied by persons performing primary medical services in accordance with Article 15B arrangements;]<sup>F15</sup>(ca)

- (d) require details of Article 15B arrangements to be published;
- (e) make provision with respect to the variation and termination of Article 15B arrangements;

*sub-paras. (f) and (g) rep. by 2004 NI 2*

- (h) provide for parties to Article 15B arrangements to be treated, in such circumstances and to such extent as may be prescribed, as [<sup>F16</sup>health care] bodies for the purposes of Article 8 of the 1991 Order;
- (i) provide for directions, as to payments, made under Article 8(8) of the 1991 Order (as it has effect as a result of regulations made by virtue of sub-paragraph (h)) to be enforceable in a county court (if the court so orders) as if they were judgments or orders of that court;
- (j) authorise Health and Social Services Boards to make<sup>F17</sup> with respect to the provision of personal dental services] payments of financial assistance for prescribed categories of preparatory work undertaken“
  - (i) in connection with preparing proposals for Article 15B arrangements; or
  - (ii) in preparation for the provision of services under proposed Article 15B arrangements.

[<sup>F18</sup>(3A) The regulations may also require payments to be made under Article 15B arrangements in accordance with directions given for the purpose by the Department.

(3B) A direction under paragraph (3A) may make provision having effect from a date before the date of the direction, provided that, having regard to the direction as a whole, the provision is not detrimental to the persons to whose remuneration it relates.

(3C) The regulations may also include provision requiring a Health and Social Services Board, in prescribed circumstances and subject to prescribed conditions, to enter into a general medical services contract on prescribed terms with any person providing services under Article 15B arrangements who so requests.

(3D) The regulations may also include provision for the resolution of disputes as to the terms of any proposed Article 15B arrangements, and in particular may make provision—

- (a) for the referral of the terms of the proposed arrangements to the Department; and
- (b) for the Department, or a person appointed by it, to determine the terms on which the arrangements may be entered into.

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(3E) The regulations shall provide for the circumstances in which a person providing primary medical services under Article 15B arrangements—

- (a) shall or may accept a person as a patient to whom such services are so provided;
- (b) may decline to accept a person as such a patient;
- (c) may terminate his responsibility for a patient.

(3F) The regulations shall make provision as to the right of patients to choose the persons from whom they are to receive services under Article 15B arrangements.]

*Para. (4) rep. by 2001 c.3 (NI)*

*Para. (5) rep. by 2004 NI 2*

(6) Regulations which impose conditions on persons performing<sup>F19</sup> primary medical services] or persons performing personal dental services (whether made by virtue of paragraph (2)(b) or otherwise) may, in particular, include provision of a kind that may be made by regulations under Article 8 of the Health and Personal Social Services (Northern Ireland) Order 1978.

*Para. (7) rep. by 2004 NI 2]*

**F12** 1997 NI 7

**F13** 2004 NI 2

**F14** 2004 NI 2

**F15** 2004 NI 2

**F16** 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](#)

**F17** 2004 NI 2

**F18** 2004 NI 2

**F19** 2004 NI 2

*Art. 15E rep. by 2004 NI 2*

### **[<sup>F20</sup>Right to choose dental practitioner**

**15F.**—(1) Provision shall be made in regulations for conferring a right on any person to choose the dental practitioner from whom he is to receive primary dental services, subject to the consent of the practitioner concerned.

(2) The regulations shall, in particular, prescribe the procedure for choosing a practitioner.

(3) In this Article “primary dental services” means dental services which are—

- (a) provided, in accordance with Article 15B arrangements, as personal dental services; or
- (b) provided under Part VI as general dental services.]

**F20** 1997 NI 7

**Status:**

Point in time view as at 01/04/2013.

**Changes to legislation:**

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