

1990 No. 361

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services
(Amendment No. 2) Regulations (Northern Ireland) 1990**

Made 4th October 1990

Coming into operation 29th October 1990

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf and in conjunction with the Department of Finance and Personnel(b) and after consultation with such organisations as appeared to the Department to be representative of the Medical profession as required by Article 56(5) of the said 1972 Order hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the General Medical and Pharmaceutical Services (Amendment No. 2) Regulations (Northern Ireland) 1990, and shall come into operation on 29th October 1990.

(2) In these regulations “the principal regulations” means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973(c).

Amendment of regulation 3B of the principal regulations

2. In regulation 3B(1) (minor surgery list) for the words “minor surgery services” there shall be substituted the words “all of the procedures listed in Schedule 1F.”

Amendment of Schedule 1 to the principal regulations

3. In Schedule 1 (terms of service for doctors)—

(a) in paragraph 4C after sub-paragraph (2) there shall be inserted the following sub-paragraph:—

“(3) Nothing in paragraph 4A(b) or in this paragraph shall prevent any doctor performing, in the course of providing general medical services (otherwise than by way of minor surgery services) to a patient, a procedure described in Schedule 1F.”;

(a) S.I. 1972/1265 (N.I. 14). As amended by S.I. 1978/1907 (N.I. 26), S.I. 1981/432, S.I. 1986/2229 (N.I. 24) and S.I. 1988/2249 (N.I. 24)

(b) Formerly Department of Finance: see S.I. 1982/338 (N.I. 6) Art. 3

(c) S.R. & O. (N.I.) 1973 No. 421. The relevant amending regulations are S.R. 1989 No. 454

(b) in paragraph 8C—

- (i) in sub-paragraph (1)(b)(i) after the word “doctor” there shall be added the words “in the course of his provision of general medical services”;
- (ii) in sub-paragraph (5)(b)(i) the words “height, weight and” shall be deleted;
- (iii) in sub-paragraph (5)(b), after sub-head (ii) there shall be inserted the following sub-head:—

“(iii) the measurement necessary to detect any changes in his body mass;”
- (iv) after sub-paragraph (5) there shall be inserted the following sub-paragraph:—

“(6) In this paragraph “body mass” means the figure produced by dividing the number of kilograms in the patient’s weight by the square of the number of metres in his height.”;

(c) in paragraph 16A—

- (i) sub-paragraph (7)(c) shall be deleted;
- (ii) after sub-paragraph (14) there shall be inserted the following sub-paragraphs:—

“(15) A doctor may apply to the Board for a variation of the times and places at which, in accordance with a determination under this paragraph (“the earlier determination”), he is required to be normally available, and sub-paragraphs (2) to (13) shall apply to the making and determination (“the subsequent determination”) of an application under this sub-paragraph as if it were the first application by that doctor for the purposes of this paragraph.

(16) Where an application made under sub-paragraph (15) is approved or is approved subject to conditions, for the purposes of sub-paragraphs (1) and (14) the earlier determination mentioned in sub-paragraph (15) shall cease to have effect and the subsequent determination mentioned in that sub-paragraph shall have effect instead—

- (a) where the subsequent determination is made by the Board and no appeal is made, from the day falling 8 weeks after that date on which the doctor receives notification of the Board’s determination;
- (b) where the subsequent determination is made on appeal, from the day falling 8 weeks after the date on which the doctor receives notification of the Department’s determination.

(17) Where it appears to the Board that a doctor’s hours of availability are allocated for the purposes of sub-paragraph (2)(b) in a manner which may no longer be convenient to his patients, it may, subject to sub-paragraph (24), review the terms of—

- (a) any approval granted under sub-paragraph (9)(a) or (b); or
 - (b) any direction given under sub-paragraph (19)(a);
- by the Board or the Department as to such allocation.

(18) On any review under sub-paragraph (17) the Board shall—

- (a) give notice to the doctor of its proposed re-allocation of his hours of availability; and
- (b) allow him 28 days within which to make representations to the Board about its proposals.

(19) After considering any representations made in accordance with sub-paragraph (18)(b), the Board shall either—

- (a) direct the doctor to revise the allocation of his hours of availability in the manner specified in the direction; or
- (b) confirm that the existing allocation of the doctor's hours of availability continues to be convenient to his patients.

(20) The Board shall notify the doctor in writing of its determination under sub-paragraph (19), and where it gives a direction under head (a) of that sub-paragraph, it shall include with the notice a statement in writing of the reasons for its determination and of the doctor's right of appeal under sub-paragraph (21).

(21) A doctor may, within 28 days of receiving notification under sub-paragraph (20), appeal in writing to the Department against a direction under sub-paragraph (19)(a).

(22) Sub-paragraphs (12) and (13) shall apply to any appeal made under sub-paragraph (21).

(23) A doctor in respect of whom a direction is given under sub-paragraph (19) shall revise the allocation of his hours of availability so as to give effect to the direction—

- (a) where the direction is given by the Board and no appeal is made, not later than 8 weeks after the date on which he receives notification under sub-paragraph (20);
- (b) where the direction is given or confirmed on appeal, not later than 8 weeks after the date on which he receives notification of the Department's decision;

and the allocation of hours as so revised shall be regarded as having been approved for the purposes of sub-paragraphs (1) and (14).

(24) No Board shall undertake a review under sub-paragraph (17) on more than one occasion in any period of 2 years.'';

(d) in paragraph 16C(1) after the words "as the case may be" there shall be added the words ", and as if paragraph 16A(2)(a)(iii) did not apply in the case of that doctor";

(e) in paragraphs 16D(1) and 16E(1) after "paragraph 16A(2)(a)(ii)" there shall be added "or (iii)".

Amendment of Schedule 1A to the principal regulations

4. In Schedule 1A (information and undertakings to be included in an application for inclusion in the medical list)—

- (a) in item 11 for the words "proposed practice area (including street map)" there shall be substituted the words "the geographical

boundary of his proposed practice area by reference to a sketch, diagram or plan of a scale approved by the Board”;

- (b) in item 12 before the word “proposed” there shall be inserted the words “address of”.

Amendment of Schedule 1B to the principal regulations

5. In Schedule 1B (information and undertakings to be included in an application to fill a vacancy) for item 7 there shall be substituted the following item:—

“7. Address of the practice premises to that practice, and details of the geographical boundary of its practice area by reference to a sketch, diagram or plan of a scale approved by the Board.”.

Amendment of Schedule 1F to the principal regulations

6. In Schedule 1F (minor surgery procedures) the entries “ganglions” and “ligation of varicose veins” shall be deleted.

Amendment of Schedule 1H to the principal regulations

7. In Schedule 1H (information to be included in practice leaflets) in paragraph 17 for the word “map” there shall be substituted the words, “sketch, diagram or plan”.

Sealed with the Official Seal of the Department of Health and Social Services on 4th October 1990.

(L.S.)

F. Green

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 4th October 1990.

(L.S.)

R. Miller

Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These regulations further amend the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 ("the principal regulations") which govern the arrangements to be made by a Health and Social Services Board ("the Board") for the provision in its area of general medical services and pharmaceutical services under the Health and Personal Social Services (Northern Ireland) Order 1972.

These regulations amend the principal regulations as they relate to the provision of general medical services and to the terms of service of general medical practitioners. In particular, regulation 3B of the principal regulations is amended to make clear that a doctor seeking inclusion in the minor surgery list maintained under that regulation must satisfy the Board that he has the experience, training and facilities necessary to enable him to provide all of the procedures listed in Schedule 1F to those regulations (regulation 2). Provision in Schedules 1A and 1B to the principal regulations relating to the information which is to be included in the medical list and in practice leaflets is amended to enable a doctor to identify his practice area by reference to a sketch, diagram or plan rather than a map (regulations 4, 5 and 7).

Amendments are made to the doctors' terms of service in Schedule 1 to the principal regulations, in particular to remove the obligation on a doctor to measure a patient's height on each occasion when he attends for a check-up under paragraph 8C of that Schedule, and to provide for the review of decisions relating to a doctor's availability to his patients (regulation 3). Two deletions are also made in Schedule 1F to the principal regulations which sets out the procedures which may be provided as part of minor surgery services (regulation 6).