

1992 No. 232

HEALTH AND PERSONAL SOCIAL SERVICES**General Medical and Pharmaceutical Services
(Amendment No. 2) Regulations (Northern Ireland) 1992**

Made 20th May 1992

Coming into operation 22nd June 1992

The Department of Health and Social Services in exercise of the powers conferred on it by Articles 56, 64A, 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 that 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) 1992 and shall come into operation on 22nd June 1992.

(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 to Regulation 2 of the principal regulations

2. In regulation 2(1) (interpretation) the definition of “Medical Officer” shall be deleted.

Substitution of Regulation 25 of the principal regulations

3. For regulation 25 of the principal regulations (temporary arrangements for practice on death of doctor or for other cause) there shall be substituted the following regulation:—

“Temporary provision of general medical services

25.—(1) The provisions of this regulation shall apply in relation to the making of arrangements for the temporary provision of general medical services.

(2) Where a doctor ceases to be included on the medical list or his registration in the register is suspended as mentioned in sections 37(1) or

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- (a) S.I. 1972/1265 (N.I. 14) as amended by S.I. 1981/432 S.I. 1984/1158 (N.I. 8), S.I. 1986/2023 (N.I. 20), S.I. 1986/2229 (N.I. 24) S.I. 1988/2249 (N.I. 24) and S.I. 1991/194 (N.I. 1).
 (b) Formerly Department of Finance; see S.I. 1982/338 (N.I. 6) Art 3.
 (c) S.R. & O. (N.I.) 1973 No 421 to which there are amendments not relevant to the subject matter of these regulations.

(2), 38(1) and 42(3)(b) of the Medical Act 1983(a), the Board after consultation with the Local Medical Committee may—

- (a) make arrangements for the temporary provision of general medical services for that doctor's patients, which arrangements may consist of or include the appointment of one or more doctors to undertake the treatment of such persons;
- (b) where a doctor included on the medical list by virtue of regulation 4(1)(a) ceases by reason of death to be so included and within 7 days of the date of death any person applies to the Board in writing on behalf of the estate of that doctor for the appointment of one or more named doctors, appoint one or more of the named doctors to undertake the treatment of the deceased doctor's patients.

(3) The Board may make such arrangements as it thinks fit for the accommodation and other needs of any doctor appointed under paragraph (2) and, in the case of any doctor appointed under paragraph (2)(b), shall where practicable first consult any person who applied to it for the appointment of that doctor.

(4) Subject to paragraph (10), arrangements under paragraph (2) shall subsist for such period as the Board may determine, but not beyond the date on which the vacancy is filled or the suspension referred to in paragraph (2) ceases to have effect.

(5) Where it appears to a Board, after consultation with the Local Medical Committee, that a doctor is incapable of carrying out adequately his obligations under the terms of service because of his physical or mental condition, it may require him to be medically examined.

(6) Where a Board is satisfied—

- (a) after receiving from the Local Medical Committee a report under paragraph (9) that because of his physical or mental condition; or
- (b) that because of continued absence,

a doctor's obligations under the terms of service are not being carried out adequately, it may, after consultation with the Local Medical Committee and with the consent of the Department, make arrangements for the temporary provision of general medical services for that doctor's patients, which arrangements may consist of or include the appointment of one or more doctors to undertake the treatment of such persons.

(7) Subject to paragraph (10), arrangements under paragraph (6) shall subsist for such period as the Board may determine, but not, in a case to which paragraph (6)(a) applies, beyond the date on which the Board is satisfied, after consulting the Local Medical Committee, that the doctor is fit to resume his practice.

(8) A Board may, before varying or terminating any arrangements made under paragraph (6) but after consulting the Local Medical Committee, require the doctor to be medically examined.

(9) A doctor required under this regulation to be medically examined shall submit himself for medical examination by a doctor appointed by the

Local Medical Committee, which having considered the report of the examining doctor shall make a report in writing to the Board as to the doctor's fitness to carry out his obligations under the terms of service.

(10) Where a Board proposes that the arrangements under paragraph (2) or (6) shall continue for longer than one year or such shorter period as the Department may specify in any particular case, or beyond any further such period, it shall so notify the Department in writing not less than one month, or as soon as is practicable, before the expiry of that period or further period, and shall in each case obtain the consent of the Department to the continuance of the arrangements.

(11) The Board shall give reasonable notice in writing of the termination of arrangements under paragraph (2) or (6) to the doctor with whom they were made and shall, as soon as it is practicable, notify the Department in writing that such termination has taken place.

(12) A Board shall, where practicable, notify, in writing, any doctor for the treatment of whose patients arrangements are made under this regulation of such arrangements and of their variation or termination.

(13) Each doctor appointed under this regulation shall agree in writing to be bound throughout his appointment by the terms of service which were applicable to the doctor the treatment of whose patients he is appointed with or without other doctors to undertake, save that nothing in these paragraphs shall require him to provide child health surveillance services, contraceptive services, maternity medical services or minor surgery services which he has not undertaken to provide.

(14) Any person on the list of the doctor for the treatment of whose patients arrangements are made under this regulation shall be deemed to remain on that list while those arrangements subsist, unless that person is transferred to the list of another doctor, and any person who applies to the doctor appointed under this regulation for acceptance shall, if accepted, be recorded by the Board as being—

(a) where that doctor is included on the medical list by virtue of regulation 4(1)(a), on his list:

(b) in any other case, on the list of the doctor for the treatment of whose patients arrangements are made under this regulation.

(15) The Board may deduct from the remuneration of a doctor for the treatment of whose patients arrangements are made under paragraph (6) or consequent upon the suspension of whose registration arrangements are made under paragraph (2)(a) the cost, in part or in whole, of any such arrangements, and in the case of a doctor performing relevant service in an emergency recognised by the Department for the purpose of these regulations, the Board shall deduct from his remuneration the cost of any such arrangements.”

Amendment of Schedule 1 to the principal regulations

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

(a) In paragraph 3(3) the words “or paragraph 19” shall be deleted;

- (b) in paragraph 13(1)(a), (d) and (e) (furnishing of information and inspection) after the words "Medical Officer" there shall be inserted the words "of the Agency or a Medical Officer of the Board";
- (c) In paragraph 13(1)(b) (furnishing of information and inspection) after the words "Medical Officer" there shall be inserted the words "of the Agency";
- (d) paragraph 19 (continued absence or disability of a doctor) shall be deleted.

Sealed with the Official Seal of the Department of Health and Social Services on 20th May 1992.

(L.S.)

J. R. Kearney

Assistant Secretary

Sealed with the Official Seal of the Department of Finance and Personnel on 20th May 1992.

(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").

Regulation 2 deletes the definition of Medical Officer in Regulation 2 of the principal regulations.

Regulation 3 replaces Regulation 25 of the principal regulations and prescribes the circumstances in which arrangements may be made for the temporary provision of general medical services because of the physical or mental condition of the doctor or because of his continued absence, and the requirements which must be met.

Regulation 4 amends Schedule 1 to the principal regulations (terms of service for doctors) to allow a Medical Officer of a Board access to patients medical records.