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STATUTORY RULES OF NORTHERN IRELAND

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**1997 No. 380**

**General Medical Services Regulations (Northern Ireland) 1997**

**Part II**

**The Medical List**

**Medical list**

4.—(1) Each Board shall prepare a list, to be called “the medical list” of—

- (a) doctors entitled, pursuant to Article 56(2)(1) of the Order, to have their names included in the list for the provision of general medical services other than maternity medical services; and
- (b) doctors for the time being appointed under regulation 24,

in its area.

(2) The Board shall indicate on the medical list whether a doctor is—

- (a) a full-time doctor;
- (b) a three-quarter-time doctor;
- (c) a half-time doctor;
- (d) a job-sharing doctor; or
- (e) a restricted doctor,

having taken account of any condition imposed in relation to him under regulation 13, or varied under regulation 14.

(3) In respect of any doctor whose name is included in it, the medical list shall indicate—

- (a) if he is on any of the child health surveillance list, the obstetric list or the minor surgery list;
- (b) except in the case of a doctor who has requested otherwise, if he has undertaken to provide contraceptive services and, if so—
  - (i) whether he has so undertaken in respect only of patients for whom he or his partners have also undertaken to provide other general medical services; or
  - (ii) whether he has so undertaken without such restriction;
- (c) if he is included in the medical list only by virtue of his appointment under regulation 24;
- (d) if he is a restricted list principal or a restricted services principal and, if so, the nature of the restricted list or, as the case may be, of the restricted services; and
- (e) if he has made an arrangement under paragraph 20(2) of the terms of service transferring his obligations at certain times to another doctor, and, if so, the name of the doctor to whom, and the times during which, he has so transferred his obligations.

(4) In addition to the name of the doctor and any information required to be included by virtue of paragraphs (2) and (3), the medical list shall contain—

- (a) the address of the practice premises where he agrees to attend for the purpose of treating persons, and any telephone number at which he is prepared to receive messages;
- (b) particulars of the days and hours when he agrees to be in attendance at such premises;
- (c) particulars of any days and hours when an appointments system is in operation;
- (d) where he practises in partnership, the name of each partner;
- (e) where he practises in a group practice, the name of each other doctor in that group practice;
- (f) an indication of the geographical boundary of his practice area and details of any conditions as to his practice area attached to the granting of his application by the Board or, on appeal, by the Department;
- (g) provided that the doctor consents to its inclusion, his date of birth or, if he does not so consent, the date of his first full registration as a medical practitioner (whether pursuant to the Medical Act 1983 or otherwise).

**Amendment of or withdrawal from the medical list**

5.—(1) A doctor shall, unless it is impracticable for him to do so, give notice to the Board within 28 days of any occurrence requiring a change in the information recorded in the medical list.

(2) A doctor shall, unless it is impracticable for him to do so, give notice in writing to the Board at least 3 months in advance of any day on which he intends either—

- (a) to withdraw his name from any of—
  - (i) the medical list;
  - (ii) the child health surveillance list;
  - (iii) the obstetric list; or
  - (iv) the minor surgery list; or
- (b) to cease to provide any of the following services—
  - (i) child health surveillance services;
  - (ii) contraceptive services;
  - (iii) maternity medical services; or
  - (iv) minor surgery services.

(3) On receiving a notice pursuant to paragraph (1) or (2), the Board, subject to paragraph (6), shall—

- (a) in the case of a notice pursuant to paragraph (1), amend the medical list in relation to that doctor; and
- (b) in the case of a notice pursuant to paragraph (2), so amend the medical list, the child health surveillance list, the obstetric list or the minor surgery list, as the case may be, with effect from the date from which the Board has agreed that the withdrawal or cessation shall take effect.

(4) Any notice pursuant to paragraph (2) may not be withdrawn except with the consent of the Board.

(5) Where a Board has varied, under regulation 14(3)(a)(ii), any condition imposed on a doctor under regulation 13 it shall amend the medical list accordingly.

(6) Where, in relation to any doctor, representations are made to the Tribunal in accordance with Schedule 11 to the Order, that his continued inclusion in the medical list would be prejudicial to

the efficient provision of general medical services, the doctor shall not, except with the consent of the Department, and subject to such conditions as the Department may impose, be entitled to have his name removed from the medical list until the proceedings on those representations have been determined.

### **Removal from the medical list**

6.—(1) Where a Board determines that a doctor whose name has been included in the medical list—

- (a) has died;
- (b) is no longer a doctor; or
- (c) is the subject of a direction given by the Professional Conduct Committee under section 36 of the Medical Act 1983 (erasure of name from the register or suspension of registration) or of an order made by that Committee under section 38(1) of that Act (immediate suspension),

it shall remove his name from the medical list with effect from the date of its determination or, where sub-paragraph (c) applies, the date on which the direction or order takes effect, if that date is later than the date of the Board's determination.

(2) Where a Board determines, in accordance with paragraphs (3) and (4), that a doctor whose name has been included in the medical list for the preceding 6 months has not, during that period, provided any general medical services personally, it may remove his name from the medical list.

(3) In calculating the period of 6 months referred to in paragraph (2), a Board shall disregard—

- (a) any period during which the doctor provided no general medical services by reason only that his registration as a medical practitioner was suspended as mentioned in Article 56(4C) of the Order<sup>(2)</sup> (suspension by direction or order of the Health Committee or by interim order of the Preliminary Proceedings Committee);
- (b) any period during which the doctor was performing relevant service; and
- (c) any period during which the doctor was suspended by direction of the Tribunal.

(4) Before making any determination under paragraph (2), a Board shall—

- (a) give the doctor 28 days' notice of its intention;
- (b) afford the doctor an opportunity of making representations to the Board in writing or, if he so wishes, in person; and
- (c) consult the Local Medical Committee.

(5) Where under paragraph (2) a Board determines to remove a doctor's name from the medical list, it shall give notice in writing of its determination to the doctor, together with the reasons for it, and inform him of his right of appeal under paragraph (6).

(6) A doctor to whom a notice has been given under paragraph (5) may, within 21 days of receipt of the notice, appeal to the Department against the decision of the Board, and the Board shall not remove the doctor from the medical list until—

- (a) if no appeal is made, the expiration of the period of 21 days; or
- (b) if an appeal is made, the appeal is determined.

(7) An appeal under paragraph (6) shall be made in writing and shall set out the grounds of appeal.

(8) On any appeal pursuant to paragraph (6), the Department may hold an oral hearing of the appeal and in such a case shall—

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(2) Article 56(4C) was inserted by Article 7 of S.I. 1986/2229 (N.I. 24)

- (a) appoint one or more persons to hear the appeal who shall report to it on the appeal; and
- (b) not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the Board.

(9) Where, pursuant to paragraph (8), the Department holds an oral hearing on an appeal, the appellant and the Board may be represented by counsel, solicitor or any other person.

(10) Where the Department allows the appeal, it shall direct the Board not to remove the doctor's name from the medical list.

(11) A Board shall remove from the medical list the name of any doctor who has attained the age of 70 years, with effect from the date on which he attained that age.

(12) The Board shall give to any doctor whose name is to be removed from the medical list in accordance with paragraph (11)—

- (a) notice in writing to that effect not less than 12 months nor more than 13 months before the date on which his name is to be removed; and
- (b) a further such notice not less than 3 months nor more than 4 months before that date,

but the failure to give notice to any doctor as required by sub-paragraph (a) or (b) shall not prevent the removal of that doctor's name from the medical list in accordance with paragraph (11).

### **The Medical Committee**

7. The Medical Committee shall be constituted by the Agency in accordance with Schedule 14 for the purpose of carrying out duties in connection with the filling of medical practice vacancies and such other duties as the Agency thinks fit.

### **Filling or dispersal of medical practice vacancies**

8.—(1) Where a practice has been rendered vacant by—

- (a) the death of a doctor whose name is included in the medical list by virtue of regulation 4; or
- (b) the removal or withdrawal of such a doctor from the medical list,

the Board for the area in which the vacancy occurs shall, after consultation with the Local Medical Committee, refer the matter to the Medical Committee and include the information set out in Part I of Schedule 3.

(2) The Medical Committee shall, in accordance with general principles drawn up by the Department in consultation with the Boards and such organisation as may be recognised by the Department as representing the medical profession, advise the Board as to whether or not the vacancy should be filled.

(3) Where a Board decides, after consideration of the advice given under paragraph (2), that a vacancy should be filled, the Agency shall, on behalf of the Board, give public notice of such vacancy for a doctor by advertisement in the press or otherwise.

### **Application to fill a vacancy**

9.—(1) An application by a doctor—

- (a) to succeed to a practice declared vacant; or
- (b) to fill a vacancy which has arisen where a Board has resolved that an additional doctor is required in an area otherwise than in succession to another doctor,

shall be made by sending the application to the Agency by no later than the date specified in the notice given under regulation 8(3) in respect of the vacancy to which the application relates, or within such further period as the Agency may for reasonable cause allow, and shall include the information and

undertakings specified in Parts IIA and IIB of Schedule 3 and, in the case of a doctor whose name is not already included in the medical list, the evidence, information and undertakings specified in Part IIC of that Schedule.

(2) On receipt of an application under paragraph (1), the Agency shall constitute a panel comprising—

- (a) members of the Medical Committee;
- (b) representatives of the Board for the area where the vacancy occurs; and
- (c) representatives of the Local Medical Committee,

to consider the applications, and the panel shall, subject to Article 56(2A) of the Order<sup>(3)</sup> (which contains requirements as to knowledge of English), make a recommendation and the recommendation shall be forwarded by the Agency to the Board which shall arrange for the application to be dealt with in accordance with regulation 12.

(3) In this regulation, in regulation 21(6) and in paragraph 16(5) of the terms of service, “practice declared vacant” means a practice which has been rendered vacant under regulation 8(1) and for which the Board has decided under regulation 8(3) that a doctor is required to fill the vacancy.

#### **Application to practise in partnership**

**10.**—(1) An application by a doctor to practise in partnership shall be made to the Board for the area concerned and shall include the information and undertakings specified in Parts IIA and III of Schedule 3 and, in the case of a doctor whose name is not already included in the medical list, the evidence, information and undertakings specified in Part IIC of that Schedule.

(2) On receipt of an application pursuant to paragraph (1), the Board shall, subject to Article 56(2A) of the Order and if it is satisfied that the approval of such application is necessary or expedient to secure the due discharge by it of its duty under Article 56(1) of the Order, forward the application to the Agency for consideration by the Medical Committee, and the Committee’s recommendation as to whether or not such application should be granted shall be forwarded by the Agency to the Board which shall arrange for the application to be dealt with in accordance with regulation 12.

#### **Application to practise as a restricted list or restricted services principal**

**11.**—(1) An application by a doctor for the inclusion of his name in the medical list only as a restricted list principal or a restricted services principal, other than one to which regulation 9(1) or 10(1) applies, shall be made to the Board for the area concerned and shall include the evidence, information and undertakings specified in Parts IIA and IIC of Schedule 3.

(2) On receipt of an application pursuant to paragraph (1), the Board shall, subject to Article 56(2A) of the Order and if it is satisfied that the approval of such application is necessary or expedient to secure the due discharge by it of its duty under Article 56(1) of the Order, forward the application to the Agency for consideration by the Medical Committee, and the Committee’s recommendation as to whether or not such application should be granted shall be forwarded by the Agency to the Board which shall arrange for the application to be dealt with in accordance with regulation 12.

#### **Board’s decision on applications and inclusion in the medical list**

**12.**—(1) The Board shall consider a recommendation made under regulation 9(2), 10(2) or 11(2) and, subject to the appropriate condition specified under regulation 13, shall notify the Agency of its decision.

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(3) Article 56(2A) was inserted by Article 5(1)(b) of S.I. 1981/432 and amended by Article 29 of S.I. 1991/194 (N.I. 1)

(2) Where, under paragraph (1), the Board grants the application of a doctor whose name is not already included in the medical list, it shall add his name to the medical list.

### **Conditions under which general medical services are to be provided**

**13.** Where a Board grants an application under regulation 12, it shall specify, as a condition, that the doctor shall provide such services as—

- (a) a full-time doctor, that is to say a doctor who is to provide general medical services during not less than 26 hours in any week in which he is, pursuant to paragraph 36 of the terms of service, normally available to provide such services;
- (b) a three-quarter-time doctor, that is to say a doctor who is to provide such services during less than 26 hours, but not less than 19 hours, in any such week;
- (c) a half-time doctor, that is to say a doctor who is to provide such services during less than 19 hours, but not less than 13 hours, in any such week;
- (d) a job-sharing doctor, that is to say a doctor—
  - (i) who is to practise in partnership with another doctor whose name is included in the medical list; and
  - (ii) who is himself to provide such services during less than 26 hours in any such week; and
  - (iii) for whom the hours during which he is to provide such services are, when aggregated with the hours of that other doctor, to amount to not less than 26 hours in any such week; or
- (e) a restricted doctor, that is to say a doctor—
  - (i) who is a restricted list principal or a restricted services principal; and
  - (ii) who is to provide general medical services during such number of hours in any week as he shall have specified in his application pursuant to regulation 11.

### **Variation of conditions**

**14.—(1)** A doctor whose name is included in the medical list may apply, in accordance with paragraph (2), for the variation of any condition—

- (a) imposed in relation to him by the Board under regulation 13; or
- (b) specified in relation to him by the Department on the determination of any appeal from a decision by the Board.

(2) An application for the purposes of paragraph (1) shall be made in writing to the Board and shall include the information specified in Part IV of Schedule 3.

(3) On consideration of an application under this regulation the Board—

- (a) in determining the application—
  - (i) may refuse to vary the condition in question; or
  - (ii) may vary the condition by imposing in relation to the doctor such other condition mentioned in regulation 13 as has been requested in the application;
- (b) shall give notice of its decision in writing to the doctor; and
- (c) where it has varied a condition under head (ii) of sub-paragraph (a), shall amend the medical list accordingly.

(4) Where the Board refuses under paragraph (3)(a)(i) to vary a condition it shall, when it gives notice to the doctor of its decision—

- (a) include with the notice a statement of the reasons for its decision; and
  - (b) advise the doctor in writing of his right of appeal under paragraph (5).
- (5) A doctor may appeal to the Department against the refusal of the Board to vary a condition under this regulation and—
- (a) paragraphs (2) to (9) of regulation 15 shall apply to the making and determination of any such appeal; and
  - (b) where the Department allows such an appeal, it shall remit the application to that Board for reconsideration, and regulation 15(11) shall apply in that event.

### **Appeal to the Department**

**15.**—(1) A doctor may appeal to the Department against the refusal of an application to which regulation 9, 10, or 11 applies and any appeal shall be made and determined in accordance with this regulation.

(2) A doctor may appeal by sending to the Department notice of appeal within a period of 21 days beginning with and including the date on which the notice of the refusal of the Board is given to him.

(3) The notice of appeal shall contain a concise statement of the grounds of appeal.

(4) If it appears to the Department that the appeal is of such a nature that it can properly be determined without an oral hearing, it may dispense with an oral hearing and determine the appeal summarily, and shall communicate the decision, together with the reason for it, in writing to the appellant, the Board and the Agency.

(5) If the Department is of the opinion that an oral hearing is required, it shall appoint 3 or more persons to hear the appeal.

(6) An oral hearing shall take place at such time and place as the Department may direct, and, not less than 14 days before the date fixed for the hearing, notice of the hearing shall be sent to the appellant, the Board, the Agency and, in the case of an application to which regulation 9 applies, any doctors whose application for appointment to the vacancy to which the application relates was granted.

(7) Subject to paragraphs (8) and (9), the procedure at the oral hearing shall be such as the person or persons hearing the appeal may determine.

(8) The appellant and any of the parties to whom notice of the hearing is required to be given, may attend and be heard in person or by counsel or solicitor or other representative.

(9) The Board and the Agency may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(10) The persons hearing the appeal shall make a report to the Department, stating the relevant facts and their conclusions, and the Department, after taking the report into consideration, shall give its decision and communicate it, together with the reasons for it, in writing to—

- (a) the appellant;
- (b) the Board;
- (c) the Agency; and
- (d) any doctor to whom notice of the hearing has been sent in accordance with paragraph (6).

(11) Where, on allowing an appeal, the Department remits an application to the Board for reconsideration—

- (a) it shall give to the Board such directions as it sees fit; and

- (b) the Board shall redetermine the application and in doing so shall comply with any directions given by the Department under sub-paragraph (a) with respect to the determination of that application.

### **Local directory of family doctors**

**16.**—(1) Subject to the requirements of this regulation and regulation 17, a Board shall prepare, and thereafter maintain, a list to be known as the local directory of family doctors comprising, in respect of each doctor in its area whose name is included in the medical list, the following information—

- (a) all the information in respect of the doctor in the medical list other than his date of birth, unless the doctor has agreed to its inclusion in the local directory;
- (b) where the doctor's date of birth is included in the medical list but he has not agreed to its inclusion in the local directory, the date of his first full registration as a medical practitioner whether pursuant to the Medical Act 1983(4) or otherwise;
- (c) the sex of the doctor;
- (d) details of any medical qualifications held by the doctor which he is entitled to have registered pursuant to section 16 of the Medical Act 1983 (registration of qualifications), including the date on which the qualification was awarded;
- (e) the nature of any clinic provided by the doctor for his patients and the frequency with which it is held;
- (f) the number of assistants and trainee general practitioners employed by him;
- (g) details of—
  - (i) the number of other persons employed or available at his practice premises to assist him in the discharge of his obligations under the terms of service;
  - (ii) the nature of the services provided by each such person; and
  - (iii) the average number of hours normally worked by each such person during any week;
- (h) any arrangements for the provision of any deputy notified to the Board under paragraph 26(3) of the terms of service; and
- (i) where, and to the extent that, the doctor so requests—
  - (i) details of any languages, other than English, spoken by the doctor or by any person referred to in sub-paragraph (f) or (g); and
  - (ii) details of any particular clinical interests of the doctor.

(2) Paragraph (1) shall apply in the case of a restricted list principal or a restricted services principal only to the extent that the Board sees fit.

(3) The Board may, to the extent that it sees fit, also include in the local directory other details or material relating to general medical services, general dental services, general ophthalmic services and pharmaceutical services in its area.

(4) The local directory shall include the name of each doctor in alphabetical order.

(5) Where a doctor practises in partnership or in a group practice with other doctors, the information regarding his practice which falls to be included in the local directory pursuant to paragraph (1)(e), (f), (g), (h) and (i) may, provided each doctor in the partnership or, as the case may be, the group practice agrees, be included in the entry relating to only one of those doctors.

(6) Notwithstanding the provisions of regulation 41, the Board may compile extracts from the information in the local directory by reference to geographical parts of the Board's area and may



make any such extract available to persons to whom, in the opinion of the Board, it is likely to be of interest.

**Amendment of local directory**

**17.—(1)** A doctor shall, unless it is impracticable for him to do so, notify the Board within 28 days of any occurrence requiring a change in the information recorded about him in the local directory.

(2) The Board shall, in the event of a notification pursuant to paragraph (1), make any necessary amendment to the local directory.