
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 380

General Medical Services Regulations (Northern Ireland) 1997

Part III

General medical services other than child health surveillance services, contraceptive services, maternity medical services and minor surgery services

Limitation on number of persons on doctors' lists

23.—(1) This regulation applies as to the aggregate maximum number (“the maximum number”) of persons a doctor may have on his list in all areas in which he provides general medical services in addition to any persons whom he has accepted for inclusion in his list for the provision of contraceptive services only.

(2) Except as otherwise provided in this regulation, and in regulation 24(16), the maximum number shall be—

- (a) 3,500 for a doctor carrying on practice otherwise than as an assistant or in a partnership;
- (b) 4,500 for a doctor carrying on practice in partnership, subject to a maximum average of 3,500 for each of the partners in the practice,

and, where the doctor employs an assistant, such further number not exceeding 2,000 for each assistant as the Agency or, on appeal, the Department, may decide having regard to the circumstances of the practice and the amount of time given to it by any assistant.

(3) For the purposes of determining the maximum number of persons on a doctor’s list, the number of persons allocated to an assistant shall be regarded as being on the list of the doctor by whom he is employed.

(4) For the purposes of paragraph (2), a doctor who is in partnership shall be deemed to be an assistant, and not a partner, unless the Board or, on appeal, the Department is satisfied that—

- (a) he discharges the duties and exercises the powers of a partner in connection with the practice of the partnership; and
- (b) either—
 - (i) in the case of a full-time doctor, he is entitled to a share of the profits which is not less than one third of the share of the partner with the greatest share; or
 - (ii) in the case of a three-quarter-time doctor, he is entitled to a share of the profits which is not less than one quarter of the share of the partner with the greatest share; or
 - (iii) in the case of a half-time doctor, he is entitled to a share of the profits which is not less than one fifth of the share of the partner with the greatest share; or
 - (iv) in the case of a job-sharing doctor who practises in partnership with another job-sharing doctor and at least one other doctor, he is entitled to a share of the profits which, when added to the share of the other job-sharing doctor with whose hours his hours are being aggregated for the purposes of regulation 13, is not less than one third of the share of the member of the partnership with the greatest share.

(5) The Agency shall notify each doctor of the number of patients on his list as at the first day of each quarter and of the number of any excess over the maximum number.

(6) A doctor shall, within 2 months from the date on which the excess was notified to him in accordance with paragraph (5), take steps to reduce the number of persons on his list to the maximum number by—

- (a) taking a partner;
- (b) engaging an assistant; or
- (c) notifying the Agency of the names of the necessary number of patients on his list whom he wishes to have removed from his list under paragraph 9 or 11 of the terms of service,

and if, at the end of that time, the measures mentioned in this paragraph have not resulted in the reduction of the number of persons to the maximum number, the Agency shall remove from his list the necessary number of patients, the selection of such patients being at the discretion of the Agency.

(7) Where—

- (a) a doctor gives notice under paragraph (6)(c); or
- (b) a doctor whose name is included in the medical list in respect of more than one address and who ceases to practise at any one of them, informs the Agency of his wish to have removed from his list the patients who would have attended for treatment at the address at which he has ceased to practise,

the Agency shall, subject to paragraph (8), send a notice to each person to whom sub-paragraph (6)(c) applies or sub-paragraph (b) relates to inform him that he should apply to another doctor for acceptance for inclusion in his list.

(8) The Agency, after consulting the relevant Local Medical Committee, may permit the doctor who wishes to have the patient removed from his list under paragraph (6)(c) or (7)(b), to name another doctor who—

- (a) is willing to accept the person for inclusion in his list; and
- (b) has given his written consent in circumstances where such acceptance will not result in the number of patients on that other doctor's list exceeding the maximum number,

the Agency shall notify that person accordingly and the name of any such person shall be included in the list of the doctor named in the notice until such time as the person has chosen another doctor or has informed the Agency in writing that he wishes not to be so included.

(9) Where the number of patients on a doctor's list exceeds the maximum number and is due to—

- (a) the creation of a partnership of which the doctor is a member; or
- (b) the death or retirement of a partner or the cessation of employment of an assistant in circumstances where the doctor is actively seeking a new partner or assistant,

the Agency may, on the doctor's undertaking not to accept for inclusion in his list further patients other than the children of existing patients, permit him to retain, for such period not exceeding 9 months as it may determine from the date of the event which resulted in the number of patients exceeding the maximum number, all the patients on his list (and, in a case falling within sub-paragraph (b), on the list, if any, of his former partner) at that date.

(10) The Agency may, with the consent of the Department, extend any period mentioned in paragraph (9).

(11) The Agency may, in special circumstances, subject to consent of the Department and any conditions it may impose, permit a doctor to have on his list such number of persons in excess of the maximum number as it thinks fit.

(12) In carrying out its function under this regulation, the Agency shall consult as necessary with the relevant Board.

(13) Nothing in this regulation shall—

- (a) restrict a doctor from accepting for inclusion in his list persons who apply to him as temporary residents; or
- (b) exempt him from any liability under the terms of service to give treatment immediately required to any person who applies for acceptance for inclusion in his list or to give emergency treatment.

(14) An appeal under paragraph (2) or (4) shall be made by sending to the Department within 30 days of the date on which notice of the decision of the Agency was given, a notice of appeal containing a concise statement of the grounds of appeal.

(15) The Department shall, on receipt of any notice of appeal under this regulation, send a copy of that notice to the Agency.

(16) The Agency may, within 30 days from the date on which the Department sent a copy of the notice of appeal, submit representations in writing to the Department on the appeal.

(17) On any appeal pursuant to paragraph (2) or (4), the Department may hold an oral hearing and, in such a case, shall, not less than 14 days before the date fixed for the hearing, give notice in writing to the appellant and to the Agency.

(18) The Department shall, upon determination by it of an appeal under this regulation, give notice of its decision in writing, together with the reasons for it, to the appellant and to the Agency.