
STATUTORY RULES OF NORTHERN IRELAND

2004 No. 156

The General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004

PART 6

**TRANSITIONAL, TRANSITORY AND SAVING PROVISIONS
RELATING TO OUT OF HOURS ARRANGEMENTS AND SERVICES**

Saving and transitory provision in relation to paragraphs 20 to 22 of Schedule 2 to the 1997 Regulations

70.—(1) In this Article, expressions used both in this Article and in the 1997 Regulations have the same meaning as in the 1997 Regulations as modified by paragraph (3).

(2) Notwithstanding the revocation of the 1997 Regulations, paragraphs 20 to 22 of Schedule 2 to those Regulations⁽¹⁾ shall, until 31st December 2004, continue in operation as they had effect on 31st March 2004, subject to the modifications specified in paragraph (3), for the purposes of –

- (a) continuing and withdrawing approvals of out of hours arrangements under paragraph 20 of Schedule 2 to those Regulations;
- (b) determining applications for approval made to a Board by a medical practitioner under paragraph 20 of Schedule 2 to those Regulations; and
- (c) the making and determining of appeals under paragraph 20 of Schedule 2 to those Regulations.

(3) The modifications referred to in paragraph (2) are as if –

- (a) in paragraph 20 of Schedule 2 –
 - (i) in paragraph 20 (1)(a)(iii), for “Bank and Public holidays” there were substituted “a public holiday or a local holiday agreed with the Board”,
 - (ii) for the definition of “out of hours arrangement” there were substituted –
 - ““out of hours arrangement” means an arrangement under –
 - (a) the term of a general medical services contract which gives effect to paragraph 1(2) of Schedule 6 to the GMS Contract Regulations, or
 - (b) the equivalent term of a default contract;”
 - (iii) in the definition of “transferee doctor” there were added –
 - “and a general medical services contractor, a default contractor or a party to contractual arrangements made under Article 15 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004⁽²⁾ whose contract, agreement or contractual arrangements include out of hours services;”, and

(1) Paragraph 20(2) was amended by [S.R.1999 No. 100](#)

(2) [S.R. 2004 No. 141](#)

- (b) there were inserted in the appropriate place –
- ““default contractor” means a person who has entered into a contract under Article 13 of the General Medical Services Transitional and Consequential Provisions (No. 1) (Northern Ireland) Order 2004;
 - “GMS Contract Regulations” means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004⁽³⁾;
 - “general medical services contractor” means a person who holds a contract under Article 57 of the 1972 Order⁽⁴⁾;
 - “out of hours services” –
 - (a) in relation to services under a general medical services contract, has the same meaning as in regulation 2(1) of the GMS Contract Regulations, and
 - (b) in relation to services under a default contract, has the same meaning as in the Default Contract 2004 dated 24th March 2004⁽⁵⁾.”
- (4) Any approval of an out of hours arrangement which has been granted by a Board –
- (a) before 31st March 2004 under paragraph 20 of Schedule 2 to the 1997 Regulations and continued under paragraph (2)(a); or
 - (b) after 31st March 2004 under paragraph 20 of Schedule 2 to those Regulations as saved and modified by this Article, and which has not come to an end before that date, shall cease to have effect on 1st January 2005.

(3) [S.R. 2004 No. 140](#)

(4) Article 57 was inserted into the 1972 Order by Article 4 of the Primary Medical Services (Northern Ireland) Order 2004 (N.I. 2)

(5) The Default Contract 2004 is published by the Department of Health, Social Services and Public Safety. It is available on its website at www.dhsspsni.gov.uk/hss/gp_contracts/index.html or a copy can be obtained by writing to the Department of Health, Social Services and Public Safety, Room D.3.21, Castle Buildings, Stormont Estate, Belfast BT4 3SQ