

2022 No. 164

HEALTH AND PERSONAL SOCIAL SERVICES

**The Medical Profession (Responsible Officers) (Amendment)
Regulations (Northern Ireland) 2022**

Made - - - - *25th March 2022*

Coming into operation - *1st April 2022*

The Department of Health in exercise of the powers conferred by sections 45A and 45B(1) and(3)(c) of the Medical Act 1983(a) and section 120 of the Health and Social Care Act 2008(b)makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Medical Profession (Responsible Officers) (Amendment) Regulations (Northern Ireland) 2022 and shall come into operation on 1st April 2022.

(2) In these Regulations “the principal Regulations” means the Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010(c).

Amendment of the principal Regulations

2. The principal Regulations are amended as mentioned in regulations 3 to 8.

Amendment of regulation 1

3. In regulation 1(2) (Citation, commencement and interpretation)—

- (a) in the definition of “the Department” omit “,Social Services and Public Safety”,
- (b) omit the definition of “ the Regional Health and Social Care Board”.

Amendment of regulation 3

4. In regulation 3(3), after “medical practitioner”, add “or the body is providing services to the Department in the circumstances prescribed in regulation 8(1)(c).”

Amendment of regulation 4

5.—(1) For the heading of regulation 4, substitute “Duty to nominate or appoint additional responsible officers in certain cases”.

(2) In regulation 4(1)(b), at the end omit the full-stop and insert—

(a) 1983 c.54; sections 45A TO 45F were inserted by section 119 of the Health and Social Care Act 2008 (c. 14).
(b) 2008 c. 14
(c) S.R. 2010 No. 222

“or

- (c) a prescribed connection under regulation 8(1)(c) exists between the designated body and a medical practitioner.”.

Amendment of regulation 8

6. In regulation 8(1)(c) (Connection between designated bodies and medical practitioners), after “designated body” insert “or by a person who provides services to the designated body”.

Amendment of regulation 10

7. In regulation 10 (Connection between designated bodies and medical practitioners who are responsible officers)—

- (a) in paragraph (2), for “paragraph (3)” substitute “paragraphs (3) and (4)”
- (b) omit paragraph (2)(b),
- (c) in paragraph (3), after “these Regulations”, insert “, unless the medical practitioner is employed by a person who provides services to the Department in the circumstances prescribed in regulation 8(1)(c).”,
- (d) after paragraph 3, insert the following—

“(4) Where the medical practitioner is employed by a person who provides services to the Department in the circumstances prescribed in regulation 8(1)(c), body B is the Regional Agency for Public Health and Social Well-Being.”.

8. In Schedule 1, in Part 1(Designated bodies), omit paragraph 2.

Sealed with the Official Seal of the Department of Health on 25th March 2022.



Gearoid Cassidy
A senior officer of the Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Medical Profession (Responsible Officers) Regulations (Northern Ireland) 2010 (“the principal Regulations”).

Responsible Officers (ROs) are appointed by health care organisations and have responsibilities relating to the evaluation of the fitness to practice of doctors who work in the organisation.

Regulation 3 sets out the duty on designated bodies to nominate or appoint ROs. A body is not required to have an RO if all the doctors who work for that body already have a connection under the Regulations with another designated body (see regulation 8). This regulation is amended to provide that a body is also not required to have an RO in circumstances where it is providing a service to another designated body under regulation 8(1)(c).

Regulation 4 of the principal Regulations requires designated bodies to nominate or appoint an additional RO in cases where there is a conflict of interest or appearance of bias between the original RO and a medical practitioner for whom the RO has responsibilities. This regulation is amended to provide that designated bodies must also nominate or appoint an additional RO where the prescribed connection (under regulation 8(1)(c)) exists between a designated body and a medical practitioner.

Regulation 8 of the principal Regulations sets out the “prescribed connection” between designated bodies and medical practitioners. It is amended to provide that a prescribed connection exists in a case where a medical practitioner is employed by a person who provides a service to the designated body.

Regulation 10 of the principal Regulations sets out the prescribed connection between designated bodies and medical practitioners who are themselves ROs. It is amended to omit reference to the Regional Health and Social Care Board which ceases to exist upon commencement of the Health and Social Care Act (Northern Ireland) 2022, and also to provide that a prescribed connection exists in a case where the RO is employed by a person who provides services to the Department as a designated body.

Part 1 of the Schedule to the principal Regulations lists designated bodies that are always required to have ROs. It is amended to omit the Regional Health and Social Care Board from the list of designated bodies as it ceases to exist upon commencement of the Health and Social Care Act (Northern Ireland) 2022.

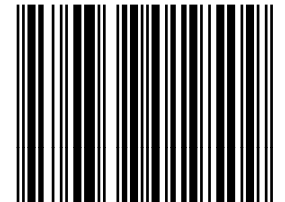
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£4.90

<http://www.legislation.gov.uk/id/misr/2022/164>

ISBN 978-0-33-801950-9



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