

**2005 No. 230**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005**

*Made* 29 April 2005

*Coming into operation* 1 May 2005

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred on it by Articles 15C(1)(b)(iii), 55B(7), 57A, 57B, 57E, 57F, 57G, 106 and 107(6) of the Health and Personal Social Services (Northern Ireland) Order 1972<sup>(b)</sup> and Article 8(6) of the Health and Personal Social Services (Northern Ireland) Order 1991<sup>(c)</sup> and of all other powers enabling it in that behalf, in conjunction with the Department of Finance and Personnel, hereby makes the following Regulations:

**PART 1**

**GENERAL**

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the Health and Personal Social Services (General Medical Services Contracts) (Miscellaneous Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 1 May 2005.

(2) In these Regulations—

“GMS Contracts Regulations” means the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004<sup>(d)</sup>;

“Primary Medical Services Performers Lists Regulations” means the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 <sup>(e)</sup>.

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<sup>(a)</sup> See S.I. 1999/283 (N.I. 1) Article 3(6)

<sup>(b)</sup> S.I. 1972/1265 (N.I. 1). Articles 57B, 57E, 57F and 57G were inserted by Article 4 of the Primary Medical Services (Northern Ireland) Order 2004

<sup>(c)</sup> S.I. 1991/194 (N.I. 1)

<sup>(d)</sup> S.R. 2004 No. 140, as amended by S.R. 2004 No. 477

<sup>(e)</sup> S.R. 2004 No. 149

**PART 2**  
**AMENDMENT OF THE GMS CONTRACTS REGULATIONS**

**Amendment of regulation 2 of the GMS Contracts Regulations**

2.—(1) Regulation 2 (interpretation) of the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) After the definition of “assessment panel”, insert the following definition—

““batch issue” means a form provided by the Agency and issued by a prescriber at the same time as a repeatable prescription to enable a chemist to receive payment for the provision of repeat dispensing services, and which—

- (a) is generated by a computer and not signed by a prescriber,
- (b) relates to a particular repeatable prescription and contains the same dates as that prescription,
- (c) is issued as one of a sequence of forms, the number of which is equal to the number of occasions on which the drugs, medicines or appliances ordered on the repeatable prescription may be provided, and
- (d) specifies a number denoting its place in the sequence referred to in paragraph (c);”

(3) In the definition of “general medical practitioner”—

- (a) in paragraph (a), omit “otherwise than by virtue of paragraph 1(d) of Schedule 6 to that Order”;
- (b) in paragraph (b)(i), after “National Health Service (Scotland) Act 1978”, insert “or a person who has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(d) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(a)”; and
- (c) in paragraph (b)(ii), omit “other than by virtue of having an acquired right under paragraph 1(d) of Schedule 6 to the 2003 Order”.

(4) For the definition of “GP Registrar”, substitute—

““GP Registrar” means a medical practitioner who is being trained in general practice by—

(a) until the coming into operation for all purposes of Article 4(5)(d) of the 2003 Order, a general medical practitioner who—

- (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(b), and
- (ii) performs primary medical services; and

(b) from the coming into operation for all purposes of that Article, a general medical practitioner who is approved under that Article for the purpose of providing training under Article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;”.

(5) Omit the definition of “GP Trainer”.

(6) In the definition of “independent nurse prescriber”

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(a) S.I. 1994/3130; regulation 5 was amended by S.I. 1997/2817 and modified by Article 117 of S.I. 2004/865. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Schedule 10, Part 2.  
(b) S.R. 1998 No. 13

- (a) in paragraph (c)(i) for “Part XVIIIB(i)” of the Drug Tariff substitute “Part IXB”; and
- (b) in paragraph (c)(ii) for “Part XVIIIB(ii)” substitute “Part IXC”.

(7) In the definition of “out of hours services”, in paragraph (a), after “if provided” insert “by a contractor to his registered patients”.

(8) For the description of “prescription form” substitute the following-

“prescription form” means a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and does not include a repeatable prescription;

(9) After the definition of “relevant register”, insert the following definitions-

“repeat dispensing services” means pharmaceutical services which involve the provision of drugs, medicines or appliances by a chemist in accordance with a repeatable prescription;

“repeatable prescribing services” means services which involve the prescribing of drugs, medicines or appliances on a repeatable prescription;

“repeatable prescription” means a prescription contained in a form provided by the Agency and issued by a prescriber to enable a person to obtain pharmaceutical services and which—

- (a) is generated by a computer but signed by a prescriber, and
- (b) indicates that the drugs, medicines or appliances ordered on that form may be provided more than once and specifies the number of occasions on which they may be provided.”

#### **Amendment of regulation 4 of the GMS Contracts Regulations**

**3.** In regulation 4 (conditions relating solely to medical practitioners) of the GMS Contracts Regulations, add—

“(4) In paragraph (1), (2)(a) and (3)(a), “general medical practitioner” does not include—

- (a) from the coming into operation of Article 10 of the 2003 Order, a medical practitioner whose name is included in the General Practitioner Register by virtue of—
  - (i) paragraph 1(a) of Schedule 6 to that Order by virtue of his having been a restricted services principal included in a list specified in that paragraph,
  - (ii) paragraph 1(d) of that Schedule, or
  - (iii) Article 11(2) of that Order because of an exemption under regulation 5(1)(d) of the regulations specified in paragraph (5);
- (b) until the coming into operation of Article 10 of the 2003 Order, a medical practitioner who either—
  - (i) until the coming into operation of paragraph 22 of Schedule 8 to that Order—
    - (aa) has an acquired right to practise as a general medical practitioner pursuant to regulation 5(1)(a) of the Vocational Training for General Medical Practice (European Requirements) Regulations 1994(a) only by virtue of having been a restricted services principal included in a list specified in that paragraph, or regulation 5(1)(d) of those Regulations; or

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(a) S.I. 1994/3130 as amended by S.I. 1997/2817 and 2003/3148. The whole Regulations are prospectively revoked by S.I. 2003/1250, Article 31(5) and Part 2 of Schedule 10.

(bb) is exempt from the need to be suitably experienced by virtue of regulation 5(1)(d) of the regulations specified in paragraph (5), or

(ii) upon the coming into operation of that paragraph of that Schedule to that Order, is an eligible general practitioner pursuant to that paragraph by virtue of an acquired right under the provisions listed in sub-paragraph (a)(i) to (iii).

(5) The regulations referred to in paragraph (4)(a)(iii) and (b)(i)(bb) are the Medical Practitioners (Vocational Training) Regulations (Northern Ireland) 1998(b), the National Health Service (Vocational Training for General Medical Practice) Regulations 1997(c), and the National Health Service (Vocational Training for General Medical Practice) (Scotland) Regulations 1998(d)

(6) In paragraph (4), “restricted services principal” has the same meaning as in the 2003 Order(a).”.

#### **Amendment of regulation 17 of the GMS Contracts Regulations**

**4.** In regulation 17 (opt outs of additional and out of hours services) of the GMS Contracts Regulations-

(a) in sub-paragraphs (1) and (2), in each place where it occurs, “Schedule 3” should read “Schedule 2”; and

(b) in sub-paragraph (3), in the last line, “those paragraphs relate” should read “that paragraph relates”.

#### **Amendment of regulation 24 of the GMS Contracts Regulations**

**5.** In regulation 24 (fees and charges) of the GMS Contracts Regulations—

(a) in sub-paragraph (2)(b), after “prescription”, insert “or repeatable prescription”

(b) in sub-paragraphs (3) and (4), in each place where it occurs, the reference to “paragraph (e) of Schedule 4” should read “paragraph 1(d) of Schedule 4”.

#### **Amendment of Regulation 29 of the GMS Contracts Regulations**

**6.** In regulation 29 (additional Services), in paragraph (1) –

(a) in the last line, after “into”, insert “except to the extent that”;

(b) in sub-paragraph 1(a), in the first line, delete “unless” and in the last line delete “and” and insert “or”; and

(c) in sub-paragraph 1(b), in the first line, delete “except to the extent that”.

#### **Amendment of paragraph 4 of Schedule 1 to the GMS Contracts Regulations**

**7.** In paragraph 4 (vaccinations and immunisations) of Schedule 1 to the GMS Contracts Regulations (Additional services), in paragraph (2)(c), for “influenza vaccination” substitute “influenza and pneumococcal vaccinations”.

#### **Amendment of Schedule 2 to the GMS Contracts Regulations**

**8.** In paragraph 2 (temporary opt outs and permanent opt outs following temporary opt outs) of Schedule 2 to the GMS Contracts Regulations (Opt Outs of Additional and Out of Hours Services)

sub-paragraph (15) shall be substituted as follows-

“(15) A temporary opt out or permanent opt out commences, and a temporary opt out ends at 8am on the relevant day unless-

(a) the day is a Saturday, Sunday or a public or local holiday agreed with the Board,

in which case the opt out shall take effect on the next working day at 8am; or

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(a) The definition of “restricted services principal” was substituted, for England, by S.I. 2004/865 and, for Scotland, by S.I. 2004/2261.

(b) the Board and the contractor agree a different time.”

#### **Amendment of Schedule 5 to the GMS Contracts Regulations**

**9.**—(1) Schedule 5 (other contractual terms) to the GMS Contracts Regulations shall be amended as provided in the following paragraphs.

(2) In paragraph 7 (clinical reports), at the end insert—

“(3) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1<sup>st</sup> May 2005.”.

(3) In paragraph 21 (removals from the list of patients who are violent), in sub-paragraph (6)-

(a) line 2, delete “the contractor”, insert “he”;

(b) in sub-paragraph (6)(a), in the second place where it occurs, delete “it”, insert “him”;  
and

(c) in sub-paragraph (6)(b), delete “it”, insert “he”.

(4) In paragraph 31 (rejection of closure notice by the Board), after sub-paragraph (8) insert—

“(8A) Subject to sub-paragraph (8B), the contractor’s list of patients shall remain closed for the period specified by the assessment panel in accordance with sub-paragraph (8)(b).

(8B) The contractor’s list of patients shall re-open before the expiry of the period mentioned in sub-paragraph (8A) if—

(a) the number of the contractor’s registered patients falls to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-opening of the contractor’s list of patients; or

(b) the Board and the contractor agree that the list of patients should re-open.

(8C) If the contractor’s list of patients has re-opened pursuant to sub-paragraph (8B)(a), it shall nevertheless close again if, during the period specified by the assessment panel as the period for which the list should remain closed, the number of the contractor’s registered patients rises to the number specified by the assessment panel in accordance with sub-paragraph (8)(b) as the number of registered patients which, if that number were reached, would trigger the re-closure of the contractor’s list of patients.

(8D) Except in cases where the contractor’s list of patients is already open pursuant to paragraph (8B), the Board shall notify the contractor in writing between seven and fourteen days before the expiry of the closure period specified in paragraph (8A), confirming the date on which the contractor’s list of patients will re-open.”

(5). After paragraph (39), insert—

#### **“Repeatable prescribing services**

**39A.** – (1) The contractor may only provide repeatable prescribing services to any person on its list of patients if he –

(a) satisfies the conditions in sub-paragraph (2); and

(b) has notified the Board of his intention to provide repeatable prescribing services in accordance with sub-paragraphs (3) and (4).

(2) The conditions referred to in sub-paragraph (1)(a) are -

(a) the contractor holds a contract with a Board

(b) the contractor has access to computer systems and software which enable him to issue repeatable prescriptions and batch issues; and

- (c) the practice premises at which the repeatable prescribing services are to be provided are located in an area of the Board in which there is also located the premises of at least one chemist who has undertaken to provide, or has entered into an arrangement to provide, repeat dispensing services.

(3) The notification referred to in sub-paragraph (1)(b) is a notification, in writing, by the contractor to the Board that he –

- (a) wishes to provide repeatable prescribing services; and
- (b) intends to begin to provide those services from a specified date; and
- (c) satisfies the conditions in sub-paragraph (2).

(4) The date specified by the contractor pursuant to sub-paragraph (3)(b) must be at least ten days after the date on which the notification specified in sub-paragraph (1) is given.

(5) Nothing in this paragraph requires a contractor or prescriber to provide repeatable prescribing services to any person.

(6) A prescriber may only provide repeatable prescribing services to a person on a particular occasion if –

- (a) that person has agreed to receive such services on that occasion; and
- (b) the prescriber considers that it is clinically appropriate to provide such services to that person on that occasion.

(7) The contractor may not provide repeatable prescribing services to any patient of his to whom –

- (a) he is authorised or required by the Board to provide dispensing services under paragraph 44; or
- (b) any of the persons specified in sub-paragraph (8) is authorised or required by the Board under regulation 12 of the Pharmaceutical Regulations to provide pharmaceutical services.

(8) The persons referred to in sub-paragraph (7) are –

- (a) in the case of a contract with an individual medical practitioner, that medical practitioner;
- (b) in the case of a contract with two or more individuals practising in partnership, any medical practitioner who is a partner;
- (c) in the case of a contract with a company, any medical practitioner who is a legal and beneficial shareholder in that company; or
- (d) any medical practitioner employed by the contractor.

### **Repeatable prescriptions**

39B - (1) A prescriber who issues a repeatable prescription must at the same time issue the appropriate number of batch issues.

(2) A prescriber who has provided repeatable prescribing services to a person must, as soon as is practicable, notify that person, and make reasonable efforts to contact the chemist providing repeat dispensing services to that person, if –

- (a) he makes any change to the type, quantity, strength or dosage of drugs, medicines or appliances ordered on that person's repeatable prescription; or
- (b) he considers that it is no longer appropriate or safe for that person to receive the drugs, medicines or appliances ordered on his repeatable prescription, or no longer appropriate or safe for him to continue to receive repeatable prescribing services.

(3) If a prescriber provides repeatable prescribing services to a person in respect of whom he has previously issued a repeatable prescription which has not yet expired (for example, because that person wishes to obtain the drugs, medicines or appliances from a different chemist), the prescriber must make reasonable efforts to notify the chemist which has in its possession the repeatable prescription which is no longer required.

(4) If a prescriber has issued a repeatable prescription in respect of a person, and (before the expiry of that repeatable prescription) it comes to his notice that that person has been removed from the list of patients of the contractor on whose behalf the prescription was issued, that prescriber must –

- (a) notify that person; and
- (b) make reasonable efforts to notify the chemist who has been providing repeat dispensing services to that person, that the repeatable prescription should no longer be used to obtain or provide repeat dispensing services.”

(6) In paragraph 45 (terms relating to the provision of dispensing services), in sub-paragraph (8)—

- (a) in paragraph (a), for “(3)(a)” substitute “(2)(a) of paragraph 45 of Schedule 5 to the GMS Regulations”;
- (b) in paragraph (b), for “(5)” substitute “(4) of that paragraph”; and
- (c) in paragraph (d), for “medical practitioner” substitute “contractor”.

(7) In paragraph 48 (qualifications of performers), in sub-paragraph (2), for paragraph (c) substitute—

- “(c) a GP Registrar who has applied to a Board to have his name included in its primary medical services performers list until the first of the following events arises—
  - (i) the Board notifies him of its decision on that application; or
  - (ii) the end of a period of two months, starting with and including the date on which his vocational training scheme began.”; and at the end, add—

“(3) In this paragraph, “vocational training scheme” has the meaning given in regulation 2 of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(a).”.

(8) In paragraph 59 (arrangements for GP Registrars), in sub-paragraph (1), omit “for the purpose of being trained by a GP Trainer with the agreement of the Department and”.

(9) In paragraph 61 (signing of documents), in sub-paragraph (2)(b), after “prescription forms” insert “and repeatable prescriptions”

(10) In paragraph 66 (withdrawal and variation of approval under paragraph 65), for sub-paragraph (2) substitute—

“(2) A notice served under sub-paragraph (1) shall take effect on the date on which it is received by the contractor.”

(11) In paragraph 71 (practice leaflet), in sub-paragraph (a) for “Schedule 7”, substitute “Schedule 8”.”.

(12) In paragraph 72 (provision of information), at the end insert—

“(3) The contractor shall produce the information requested, or, as the case may be, allow access to it—

- (a) by such date as has been agreed as reasonable between the contractor and the Board; or
- (b) in the absence of such agreement, within 28 days of the request being made.”.

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(a) S.R. 2004 No. 149  
(b) S.R. 2004 No. 156

- (13) In paragraph 73 (inquiries about prescriptions and referrals), in sub-paragraph (1)(a), after “prescription form” insert “or repeatable prescription”.
- (14) In paragraph 75 (annual return and review)— after sub-paragraph (1), insert—
- “(1A) Subject to Article 50 (annual returns and reviews) of the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004**(b)**, one such return may be requested by the Board at any time during each financial year in relation to such period (not including any period covered by a previous annual return) as may be specified in the request.
- (1B) The contractor shall submit the completed return to the Board —
- (a) by such date as has been agreed as reasonable between the contractor and the Board; or
- (b) in the absence of such agreement, within 28 days of the request being made.”;
- and
- (15) In paragraph 83 (entry and inspection by the Board), in sub-paragraph (3), after “the Board may, if” insert “he or”.
- (16) In paragraph 90 (provision of information about complaints)—
- (a) renumber the existing provision as sub-paragraph (1); and
- (b) after that provision, insert—
- “(2) This paragraph does not apply in relation to out of hours services provided by a contractor on or after 1<sup>st</sup> May 2005.”.
- (17) In paragraph 93 (dispute resolution procedure)
- (a) in sub-paragraph (6), after “the matter” insert “under dispute”; and
- (b) in sub-paragraph (9)(a), for “he” substitute “it”.
- (18) In paragraph 114 (insurance), in sub-paragraph (3)(b) for “an employee of his in connection with clinical services which that employee” substitute “a person employed or engaged by him in connection with clinical services which that person”.
- (19) In paragraph 116 (gifts), the unnumbered paragraph after sub-paragraph (2)(f) shall be numbered “(g)”.

### **Amendment of Schedule 8 of the GMS Contracts Regulations**

- 10.** In Schedule 8 (information to be included in practice leaflets), after item 19 insert,
- “19A. If the contractor offers repeatable prescribing services, the arrangements for providing such services.”

## **PART 3**

### **AMENDMENT OF THE HEALTH AND PERSONAL SOCIAL SERVICES (PRIMARY MEDICAL SERVICES PERFORMERS LISTS) REGULATIONS (NORTHERN IRELAND) 2004**

#### **Amendment of regulation 2 of the Primary Medical Services Performers Lists Regulations**

- 11.** In regulation 2 (interpretation) of the Primary Medical Services Performers Lists Regulations for the definition of “GP Registrar”, substitute—
- ““GP Registrar” means a medical practitioner who is being trained in general practice by—
- (a) until the coming into operation for all purposes of Article 4(5)(d) of the 2003 Order, a general medical practitioner who—

- (i) has been approved for that purpose by the Joint Committee on Postgraduate Training for General Practice under regulation 7 of the Vocational Training Regulations, and
  - (ii) performs primary medical services; and
- (b) from the coming into operation for all purposes of that Article, a general medical practitioner who is approved under that Article for the purpose of providing training under Article 5(1)(c)(i) of the 2003 Order, whether as part of training leading to the award of a CCT or otherwise;”.

**Amendment of regulation 14 of the Primary Medical Services Performers Lists Regulations**

**12.** In regulation 14 (disclosure of information) of the Primary Medical Services Performers Lists Regulations-

- (a) in sub-paragraph 3(c), first line, in the second place where it occurs, omit the word “that”; and
- (b) in sub-paragraph 8(i), first line, in the second place where it occurs, for “that” substitute “the”.

**Amendment of Schedule 1 of the Primary Medical Services Performers Lists Regulations**

**13.** In Schedule 1 paragraph 4 shall be substituted as follows –

“4. The events to which this paragraph applies are –

- (a) the conclusion of any period of training prescribed by regulation 6(3) of the Vocational Training Regulations or after the coming into operation of Articles 4 and 5 of the 2003 Order, any period of general practice training required pursuant to those Articles, unless –
  - (i) it forms part of a vocational training scheme which has not yet been concluded, or
  - (ii) the GP Registrar provides the Board with –
    - (aa) a certificate of prescribed experience under regulation 10 of the Vocational Training Regulations,
    - (bb) a certificate of equivalent experience under regulation 12 of those regulations, or
    - (cc) after the coming into operation of Article 10 of the 2003 Order, evidence of the applicants inclusion in the GP Register;
- (b) the failure satisfactorily to complete any period of training within the meaning of regulation 9 of the Vocational Training Regulations or after the coming into operation of Articles 4 and 5 of the 2003 Order, of general practice training within the meaning of those Articles; and
- (c) the completion of a vocational training scheme, unless the GP Registrar provides the Board with –
  - (i) a certificate of prescribed experience under regulation 10 of the Vocational Training Regulations,
  - (ii) a certificate of equivalent experience under regulation 12 of those regulations, or
  - (iii) after the coming into operation of Article 10 of the 2003 Order, evidence of the GP registrar’s inclusion in the GP Register.”

## PART 4

### AMENDMENT OF THE GENERAL MEDICAL SERVICES TRANSITIONAL AND CONSEQUENTIAL PROVISIONS (No. 2) (NORTHERN IRELAND) ORDER 2004

#### **Revocation of Article 32 of the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004**

14. Article 32 of the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004(a) (arrangements for GP Registrars) is revoked.

## PART 5

### TRANSITIONAL PROVISION

#### **Transitional provision relating to regulation 4 of the GMS Contracts Regulations**

15.-(1) This regulation applies, where in relation to a general medical services contract entered into before 1<sup>st</sup> May 2005, the only person who counted as a general medical practitioner for the purposes of regulation 4(1), (2)(a) or (3)(a) of the GMS Contract Regulations falls within regulation 4(4) of those Regulations as inserted by regulation 3 of these Regulations.

(2) A Board shall not terminate a general medical services contract under paragraph 103 of Schedule 5 to the GMS Contracts Regulations on the grounds that the person referred to in paragraph (1) no longer falls within the definition of general medical practitioner for the purposes of regulation 4(1), (2)(a) or (3)(a) of the GMS Contracts Regulations as amended by these Regulations.

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 29th April 2005.

(L.S.)

Deirdre Kenny

Senior Officer of the Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Finance and Personnel on 29th April 2005.

(L.S.)

Mary McIvor

Senior Officer of the Department of Finance and Personnel

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(a) S.R. 2004 No. 156.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to certain regulations relating to primary medical services.

Part 2 amends the Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 (the *GMS Contracts Regulations*). In addition to amendments to clarify or correct the drafting—

Regulation 2(3) widens the definition of general medical practitioner in regulation 2 of the *GMS Contracts Regulations* to cover all medical practitioners who are included on the General Practitioner Register or who, prior to coming into force of that Register, are suitably experienced within the meaning of Article 8(2) of the Health and Personal Social Services (Northern Ireland) Order 1978 or have an acquired right to practise;

Regulation 3 restricts the categories of general medical practitioner who, under regulation 4 of the *GMS Contracts Regulations*, can act as the mandatory medical practitioner for the purposes of a general medical services contract. It excludes from that role practitioners who, prior to 1<sup>st</sup> April 2004, were restricted services principals or who were not considered to be suitably experienced for the purposes of operating as a Principal in the provision of general medical services under Article 56 of the 1972 Order;

Regulation 9(2) disapplies the provisions relating to clinical reports in the case of out of hours services which are covered by the quality standards referred to in paragraph 11 of Schedule 5 to the *GMS Contract Regulations*;

Regulation 9(4) amends paragraph 31 of Schedule 5 to the *GMS Contracts Regulations* to enable a contractor's list of patients which has been closed as a result of a determination by an assessment panel to re-open by agreement before the end of the closure period specified by that panel and, in certain circumstances, to re-close again during that period;

Regulation 9(7) amends the circumstances in paragraph 48 of Schedule 5 to the *GMS Contracts Regulations* in which a GP Registrar can perform medical services under a contract without being included in a primary medical services performers list. It brings them into line with those in regulation 3(3) of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004;

Regulation 9(8) removes the requirement in paragraph 59 of Schedule 5 to the *GMS Contracts Regulations* for the Department to consent to the employment of a GP Registrar;

Regulation 9(12) inserts in paragraph 72 of Schedule 5 to the *GMS Contracts Regulations* a timescale for the provision of information by contractors to the Board;

Regulation 9(14) clarifies the timescale for the submission of annual returns under paragraph 75 of Schedule 5 to the *GMS Contracts Regulations*;

Regulation 9(16) disapplies the provision in paragraph 90 of Schedule 5 to the *GMS Contract Regulations* relating to the provision of information about complaints in the case of out of hours services which are covered by the quality standards referred to in paragraph 11 of Schedule 5;

Regulation 9(18) amends paragraph 114 of Schedule 5 to the *GMS Contracts Regulations* to provide that, for the purpose of meeting his obligation of holding adequate insurance, a contractor can rely on insurance held by a person engaged by him as well as by an employee.

Part 3 of the Regulations amends the definition of GP Registrar in the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004 to bring it into line with that included in the *GMS Contracts Regulations*. It also makes amendments to clarify or correct drafting.

Part 4 of the Regulations revokes a provision in the General Medical Services Transitional and Consequential Provisions (No. 2) (Northern Ireland) Order 2004 which is no longer required in the

light of the amendment to paragraph 59 of Schedule 5 to the GMS Contracts Regulations made by regulation 10(7).

Part 5 of the Regulations makes transitional provision in relation to the removal by regulation 3 of the right of former restricted services principals to be the mandatory general medical practitioner for the purposes of a general medical services contract.