

**2006 No. 319**

**HEALTH AND PERSONAL SOCIAL SERVICES**

**The Health and Personal Social Services (Primary Medical Services) (Miscellaneous Amendments) Regulations (Northern Ireland) 2006**

*Made* - - - - *25th July 2006*

*Coming into operation* - *15th August 2006*

The Department of Health, Social Services and Public Safety<sup>(a)</sup> in exercise of the powers conferred upon it by Articles 15C (1) (b) (iii), 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 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, application and interpretation**

**1.**—(1) These Regulations may be cited as the Health and Personal Social Services (Primary Medical Services) (Miscellaneous Amendments) Regulations (Northern Ireland) 2006 and shall come into operation on 15th August 2006.

(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>;

“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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(a) See S.I. 1999/283 (N.I. 1) Article 3(6)

(b) S.I. 1972/1265 (N.I. 14) relevant amending instrument is S.I. 2004/311 (N.I. 2)

(c) S.I. 1991/194 (N.I. 1)

(d) S.R. 2004 No. 140; to which there are amendments not relevant to these regulations.

(e) S.R. 2004 No. 149

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

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

**2.** In regulation 2 (Interpretation) of the GMS Contracts Regulations—

- (a) in the definition of “immediate family member”, after “spouse” insert “or civil partner”;
- (b) in the definition of “independent nurse prescriber”, for sub-paragraph (c) substitute the following sub-paragraph—
  - “(c) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a community practitioner nurse prescriber, a nurse independent prescriber or as a nurse independent/supplementary prescriber;”;
- (c) in the definition of “prescriber”, after sub-paragraph (a) insert the following sub-paragraph—
  - “(aa) a pharmacist independent prescriber;”;
- (d) insert the following definition at the appropriate place in the alphabetical order—
  - ““pharmacist independent prescriber” means a person—
  - (a) who is either engaged or employed by the contractor or is a party to the contract,
  - (b) who is registered in the register maintained in pursuance of Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976<sup>(a)</sup> or the Register of Pharmaceutical Chemists maintained in pursuance of section 2(1) of the Pharmacy Act<sup>(b)</sup>, and
  - (c) against whose name in that register is recorded an annotation signifying that he is qualified to order drugs, medicines and appliances as a pharmacist independent prescriber;”;

**Amendment of regulation 5 of the GMS Contracts Regulations**

**3.** In regulation 5(2) (general conditions relating to all contracts) of the GMS Contract Regulations, in sub-paragraph (k), before “he has been”, insert “within the period of five years prior to signing the contract or commencement of the contract, whichever is the earlier;”;

**Amendment of regulation 22 of the GMS Contracts Regulations**

**4.** In regulation 22 (finance) of the GMS Contract Regulations, in paragraph (1), for “the Board to make payments to the contractor”, substitute, “payments to be made”.

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

**5.** In Schedule 5 (other contractual terms) to the GMS Contracts regulations—

- (a) in paragraph 45(3) and (4) (terms relating to the provision of dispensing services), after “independent nurse prescriber” at each place where it occurs (three times), insert “or a pharmacist independent prescriber”;
- (b) in paragraph 48(2) (qualifications of performers), after head (c), add the following head—
  - “(d) a medical practitioner who is undergoing a programme of post-registration supervised clinical practice approved by the Postgraduate Medical Education and Training Board, but only in so far as any medical services such a medical practitioner performs constitute part of that programme.”;

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(a) S.I. 1976/1213 (N.I. 22)  
(b) 1954 c. 61

- (c) in paragraph 54(1), after the word “contract”, insert “, other than a medical practitioner falling within paragraph 48(2)(d),”;
- (d) in paragraph 60(1) and (2) (which relate to independent nurse prescribers and supplementary prescribers), after “independent nurse prescriber”, at each place where it occurs (seven times), insert “, a pharmacist independent prescriber”;
- (e) in the heading for paragraph 60, after “independent nurse prescribers” insert “, pharmacist independent prescribers”; and
- (f) in paragraph 116 (gifts), in sub-paragraph (2)(f), after “spouse”, insert “or civil partner”.

## PART 3

### AMENDMENT OF THE PERFORMERS LISTS REGULATIONS

#### **Amendment of regulation 3 of the Performers Lists Regulations**

**6.** In regulation 3 (primary medical services performers)—

- (a) in paragraph (1), for “(2), (3) and (4)”, substitute “(2) to (4)”;
- (b) after paragraph (2) insert paragraphs (2A) and (2B)—

“(2A) A medical practitioner who falls within paragraph (2B) may perform primary medical services in the area of a Board, but only in so far as the performance of those services constitutes part of a programme of post-registration approved clinical practice approved by the Postgraduate Medical Education and Training Board (“a post-registration programme”);

(2B) A medical practitioner falls within this paragraph if he—

- (a) is not a GP Registrar;
- (b) is undertaking a post-registration programme;
- (c) has notified the Board that he will be undertaking part or all of a post-registration programme in its area at least 24 hours before commencing any part of that programme taking place in the Board’s area; and
- (d) has, with that notification, provided the Board with sufficient evidence for it to satisfy itself that he is undergoing a post-registration programme.”

Sealed with the Official Seal of the Department of Health Social Services and Public Safety on 25th July 2006

(L.S.)

*Christine Jendoubi*

A 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 25th July 2006

(L.S.)

*Mary McIvor*

A senior officer of the Department of Finance and Personnel

## **EXPLANATORY NOTE**

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

These regulations make amendments to The Health and Personal Social Services (General Medical Services Contracts) Regulations (Northern Ireland) 2004 and The Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004. In particular, it:

Provides that following the coming into force of the Civil Partnership Act 2004, provisions that relate to a spouse will also relate to a civil partner (regulations 2 (a) and 5(f));

Makes amendments to reflect changes to the arrangements for independent prescribing by nurses and pharmacists. There will be a new category of prescriber known as a Pharmacist Independent Prescriber, and new arrangements for independent prescribing by nurses – which require consequential amendments to the titles of nurses who have trained to prescribe (regulations 2 (b), (c) and (d), and 5(a), (d) and (e));

Provides that a contract may be entered into with a person notwithstanding the fact that they have been removed from office as a trustee for a charity, provided such removal did not take place within the previous 5 years (regulation 3);

Amends the provision relating to payments under a GMS contract to clarify that payments should be made by either party in accordance with any relevant directions (regulation 4); and

Makes provision in respect of a new category postgraduate medical training to provide that doctors undergoing such a programme may perform medical services even though they are not on a Health and Social Services Board's Performers Lists and do not have to provide two clinical references (regulations 5(b) and (c) and 6).