1973. No. 421 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

General Medical and Pharmaceutical Services

REGULATIONS, DATED 27TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES IN CONJUNCTION WITH THE MINISTRY OF FINANCE UNDER THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

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The Ministry of Health and Social Services (hereinafter referred to as "the Ministry") on behalf of the Secretary of State and in exercise of the powers conferred on it by Articles 55, 56, 57, 63, 64, 95, 106 and 107 of and paragraph 7(5) of Schedule 3 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of all other powers enabling it in that behalf and in conjunction with the Ministry of Finance hereby makes the following Regulations:—

PART I

GENERAL

Citation and commencement

1. These Regulations may be cited as the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973 and shall come into operation on 1st October 1973.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them—

"the Agency" means the Northern Ireland Central Services Agency for the Health and Social Services established under Article 26 of the Order;

"appliance" means an appliance listed in Schedule 3 and conforming to any specification which may, from time to time, be included in the Drug Tariff in respect of that appliance;

"assistant" means a doctor who acts as an assistant to a doctor on the medical list;

"Board" means a Health and Social Services Board established under Article 16 of the Order for any area;

"Central Medical Committee" means the Committee appointed under Regulation 12 of the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973(b);

"doctor" means a registered person within the meaning of the Medical Acts 1956 to 1969;

"drugs" includes medicines, reagents and oxygen;

"Drug Tariff" means the statement referred to in Regulation 40;

"Executive Council" means an Executive Council constituted under the provisions of section 31 of the National Health Service Act 1946(c) or section 32 of the National Health Service (Scotland) Act 1947(d);

(a) S.I. 1972, No. 1265 (N.I. 14).
(b) S.R. & O. (N.I.) 1973, No. 416.
(c) 9 & 10 Geo. 6 c. 81.
(d) 10 & 11 Geo. 6 c. 27.

"maternity medical services" means the personal medical services (other than services which involve the application of special skill or experience of a degree or kind which doctors providing general medical services cannot as a class reasonably be expected to possess) provided by a doctor whose name is included in the obstetric list in respect of pregnancy, confinement and the post-natal period in accordance with such arrangements and subject to such conditions as may be determined by the Ministry after consultation with appropriate organisations as may be recognised by the Minister as representing the medical profession;

"medical card" means a card issued to a person, in a form approved by the Ministry, for the purpose of enabling that person to obtain or establish a title to receive general medical services including maternity medical services, general dental services or general ophthalmic services and shall include any card provided for a like purpose under the National Health (Medical Benefit) Regulations (Northern Ireland) 1938(e);

"Medical Officer" means a doctor in the employment of the Agency;

"obstetric list" means a list of doctors whose experience in obstetrics is for the time being approved by the Board to which the doctor is under contract in accordance with the conditions determined by the Obstetric Committee;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"prescribed charge" means a charge made in accordance with the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973(f);

"quarter" means a period of three months ending on 31st March, 30th June, 30th September or 31st December;

"reagent" means a chemical reagent included in a list for the time being approved by the Ministry;

"relevant service" has the same meaning as in section 64(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(g) as extended to Northern Ireland by the Reserve and Auxiliary Forces (Protection of Civil Interests) (Northern Ireland) Order 1953(h) and includes services rendered under the Army Reserve Act 1962(i) and section 2 of the Navy, Army and Air Forces Reserves Act 1964(j);

"training school" means a school approved by the Ministry of Home Affairs under sections 137 and 138 of the Children and Young Persons Act (Northern Ireland) 1968(k);

"treatment" means treatment as defined in paragraph 7 of Schedule 1;

"year" means a period from the 1st April in any calendar year to the 31st March in the next succeeding calendar year.

(2) In these Regulations the expression "chemist" means a person, firm or body corporate entitled to carry on the business of a pharmaceutical chemist under the Pharmacy and Poisons Acts (Northern Ireland) 1925 to 1967, who provides pharmaceutical services. The Regulations shall also apply (except so far as the context may otherwise require) to a person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

(e) S.R. & O. (N.I.) 1938, No. 141.
(f) S.R. & O. (N.I.) 1973, No.
(g) 14 & 15 Geo. 6 c. 65.
(h) S.I. 1953, No. 197 (1953. II. p. 1787).
(i) 10 & 11 Eliz. 2. c. 10.
(j) 1964. c. 11.
(k) 1968. c. 34 (N.I.).

PART II

TERMS OF SERVICE FOR DOCTORS

Terms of service

3. The arrangements which a Board is required by Article 56 of the Order to make with doctors for the provision of general medical services including maternity medical services shall incorporate the terms of service contained or referred to in Schedule 1.

PART III

GENERAL ARRANGEMENTS FOR THE PROVISION OF GENERAL MEDICAL SERVICES OTHER THAN MATERNITY MEDICAL SERVICES

Medical list

4.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the medical list", of the doctors who having made the appropriate application are entitled to be included in the list for the provision of general medical services other than maternity medical services.

(2) Subject to Article 58 of the Order, any doctor resident in Northern Ireland, not disqualified under the provisions of Schedule 11 to the Order who wishes to be included in the medical list, shall be so included.

(3) Any doctor who wishes to have his name included in the medical list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board for the area in which the doctor's surgery or main surgery is situated.

(4) The medical list shall contain—

(*a*) the name of each doctor and, if he practices in partnership, the name of each of his partners;

(*b*) the address of any surgery and other place or places of consultation, if any, at which the doctor attends for the purpose of treating persons receiving general medical services and the telephone number or numbers at which he is prepared to receive messages;

(*c*) particulars of the days and hours at which the doctor undertakes to be in attendance at each place;

(*d*) particulars of days and hours during which he sees patients by appointment;

(*e*) where the doctor is acting as an assistant, the name and address of the principal;

and may be so arranged as to show the area in which each doctor will provide treatment.

(5) A doctor on the medical list shall within 14 days notify the Board of any change or addition affecting the entries which the medical list is required to contain in relation to him.

(6) The Agency shall send a copy of the medical list to the Ministry, each Board, the Central Medical Committee, the Obstetric Committee, each Local Medical Committee, the Local Pharmaceutical Committee and any person under contract with a Board to provide pharmaceutical services. The Agency shall inform the Ministry, each Board and each Local Medical Committee within 14 days of any alterations which may from time to time be made in the list, and shall inform the remaining authorities and persons at intervals of not more than 3 months of such alterations.

(7) Copies of the medical list shall be made available for inspection at the offices of each Board, the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

PART IV

MEDICAL COMMITTEE

Constitution

5. The provisions set out in Schedule 5 shall apply, as appropriate, in relation to the Medical Committee which shall be constituted by the Agency for the purpose of carrying out duties in connection with the filling of medical practice vacancies and such other duties as the Agency thinks fit.

Filling or dispersal of medical practice vacancies

6.—(1) Where a practice has become vacant owing to the death of a doctor on the medical list, or the removal or withdrawal of a doctor from the medical list, the Board for the area in which the vacancy occurs shall refer the matter to the Agency.

(2) The Medical Committee, on behalf of the Agency, shall, in accordance with general principles drawn up by the Ministry in consultation with the Boards and such organisation as may be recognised by the Minister as representing the medical profession, advise the Board as to whether the vacancy should be filled or dispersed and before giving any such advice to the Board, the Medical Committee shall consult with the Local Medical Committee for the area.

Advertisement of vacancies

7. Where a Board decides, after consultation as in Regulation 6(2), that the vacancy should be filled, the Agency shall, on behalf of the Board, give public notice of such vacancy for a doctor by advertisement in the press or otherwise.

Application to succeed to a vacancy

8.—(1) Application by a doctor to succeed to a vacancy shall be made by delivering by hand or sending by post an application to the Agency in a form to be provided by the Agency.

(2) On receipt of an application under paragraph (1) the Agency shall transmit the application for consideration to the Medical Committee.

Procedure for determination of applications

9.—(1) A panel of members of the Medical Committee, representatives of the Board for the area where the vacancy occurs and representatives of the appropriate Local Medical Committee, shall be constituted by the Agency to consider applications made under Regulation 8 and to make recommendations.

(2) The Agency shall send a copy of the panel's recommendations to the Board which shall, if it is in agreement with those recommendations, appoint the doctor to succeed to the vacancy and notify the Agency accordingly.

Application to practise in partnership

10.—(1) Application by a doctor to practise in partnership shall be made to the Board for the area on a form approved by the Ministry and available from the Board.

(2) The Board shall forward any such applications to the Agency for consideration by the Medical Committee and the recommendations of the Medical Committee as to whether or not any such application should be granted shall be forwarded by the Agency to the Board.

Disputes

11. In the event of a dispute between the Board and the Agency over any recommendations arising out of Regulations 9 and 10, the matter shall be referred by the Board to the Ministry which shall resolve it in association with the parties concerned.

Appeal to the Ministry

12.—(1) A doctor may appeal to the Ministry against the refusal of an application to which Regulations 8, 9 and 10 apply by sending to the Ministry notice of appeal within 7 days, or such longer period as the Ministry may allow, from the date on which the notice of the refusal of the Board is given to him.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

(3) If it appears to the Ministry that the appeal is of such a nature that it can properly be determined without an oral hearing, it may dispense with an oral hearing and determine the appeal summarily, and shall communicate the decision to the appellant, the Board and the Agency.

(4) If the Ministry is of the opinion that an oral hearing is required, it shall appoint three or more persons to hear the appeal.

(5) An oral hearing shall take place at such time and place as the Ministry may direct, and notice of the hearing shall be sent to the appellant, the Board, the Agency and in the case of an application to which Regulation 8 applies any doctor whose application for appointment to the vacancy to which the application relates was granted, not less than 7 days before the date fixed for the hearing.

(6) The appellant and any of the parties to whom notice of the hearing is required to be given, may attend and be heard in person or by counsel or solicitor or other representative. The Board and the Agency may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(7) Subject as aforesaid the procedure at the oral hearing shall be such as the person or persons hearing the appeal may determine.

(8) The person or persons hearing the appeal shall as soon as may be after the hearing draw up a report, stating the relevant facts and his or their conclusions, and the Ministry, after taking the report into consideration, shall give its decision and communicate it to the appellant, the Board, the Agency and such doctors as have under the foregoing provisions of this regulation been served with notice of the hearing.

PART V

GENERAL ARRANGEMENTS FOR THE PROVISION OF MATERNITY MEDICAL SERVICES

Obstetric Committee

13.—(1) The Ministry shall appoint in accordance with Schedule 2 a committee to be known as the Obstetric Committee.

(2) The Obstetric Committee shall, having regard to any general criteria drawn up for its guidance by the Ministry in consultation with such organisations as the Minister may recognise as representing the medical profession, determine the conditions which are necessary for the inclusion and for the continued inclusion of a doctor in an obstetric list as defined in Regulation 14 and shall send copies of such conditions to each Board.

(3) Copies of the conditions referred to in paragraph (2) shall be available for inspection at the offices of each Board, the office of the Agency, and at such other places as appear to the Boards to be convenient for informing all persons interested.

(4) It shall be the duty of the Obstetric Committee to examine and determine all applications and cases referred to it by a Board under Regulation 15(3) and Regulation 16(2).

Obstetric list

14.—(1) The Agency shall from information obtained from the Boards prepare a list, to be called "the obstetric list", of the doctors who, having made the necessary application, are accepted for inclusion in the list.

(2) The obstetric list shall contain in addition to the name of a doctor—

(*a*) the address of any surgery and other place or places at which he provides maternity medical services and the telephone number or numbers at which he is prepared to receive messages;

(*b*) particulars of the days and hours at which he undertakes to be in attendance at each place, or a statement to the effect that consultation will be by appointment;

(*c*) the name of any doctor, whose name is also included in the obstetric list, with whom he is in partnership or who is acting as his assistant;

(*d*) where he is acting as an assistant, the name and surgery address of the principal;

and may be so arranged as to show the area in which each doctor will provide treatment.

(3) A doctor on the obstetric list shall within 14 days notify the Board of any change or addition affecting the entries which the obstetric list is required to contain in relation to him.

(4) The Agency shall send a copy of the obstetric list to the Ministry, each Board, the Obstetric Committee, the Central Medical Committee, each Local Medical Committee and the Local Pharmaceutical Committee. The Agency shall inform the Ministry, each Board and the Obstetric Committee within 14 days of any alterations which may, from time to time, be made in the list, and shall inform the remaining bodies at intervals of not more than 3 months of such alterations.

(5) Copies of the obstetric list shall be made available for inspection at the offices of each Board, the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Admission to the obstetric list

15.—(1) Any doctor who wishes to have his name included in the obstetric list shall apply on a form approved by the Ministry and available from the Board. Application shall be made to the Board for the area in which the doctor's surgery or main surgery is situated.

(2) The Board shall examine each application submitted in accordance with paragraph (1) and, if satisfied that the application complies with the conditions determined by the Obstetric Committee in accordance with Regulation 13(2), shall instruct the Agency to include the applicant in the list and notify him accordingly.

(3) Where the Board is not satisfied that an application complies with the conditions determined by the Obstetric Committee in accordance with Regulation 13(2) it shall refer the application to the said Committee which shall examine the application, decide whether or not it should be granted, and if granted what restrictions if any should be imposed.

(4) The Obstetric Committee shall inform the Board of its decision on any application referred to it in accordance with paragraph (3) and the Board shall comply with the decision and notify the applicant and the Agency accordingly.

(5) The decision of the Obstetric Committee on applications referred to it in accordance with paragraph (3) shall be final.

Review of the obstetric list

16.—(1) At the expiration of five years from 1st January 1974 and thereafter at intervals of five years or such other period as the Ministry may determine, each Board shall examine the obstetric list in relation to its area and in every case in which it is satisfied that the conditions determined by the Obstetric Committee are complied with, shall notify the doctor concerned and the Agency that his name has been retained on the obstetric list.

(2) Where a Board, on examination of the obstetric list in relation to its area in accordance with paragraph (1), is not satisfied that the conditions determined by the Obstetric Committee are complied with in the case of any doctor, the Board shall notify the doctor accordingly. If the doctor wishes to remain on the list he shall request the Board to submit the matter to the Obstetric Committee and may at the same time make written representations direct to that Committee which shall decide whether or not the name of the doctor concerned should be retained on the obstetric list and inform the Board accordingly. The Board shall comply with the decision of the Obstetric Committee and shall inform the doctor and the Agency thereof.

(3) In any case referred to it under paragraph (2) the decision of the Obstetric Committee as to whether or not the name of a doctor should be retained on the obstetric list shall be final.

(4) Where a Board is satisfied that a doctor has never provided or has ceased to provide maternity medical services it may instruct the Agency to remove his name from the obstetric list.

(5) Where a doctor's name has been removed from the obstertic list in accordance with a decision of the Obstetric Committee under paragraph (2), or in pursuance of paragraph (4), his contract with the Board concerned for the provision of maternity medical services shall thereupon be terminated.

Disqualification for inclusion in the obstetric list

17. Where in accordance with Schedule 11 to the Order the name of a person has been removed from or not included in any list of doctors referred to at paragraph 1(1)(*a*) of that Schedule or where his name has been removed from or not included in any corresponding list in Great Britain or the Isle of Man—

(*a*) his name shall be removed from the obstetric list and his contract with the Board for the provision of maternity medical services shall thereupon be terminated;

(*b*) his name shall be excluded from the obstetric list so long as he remains disqualified for having his name included in any such list of doctors as aforesaid.

Prohibition on the making of contracts otherwise than with a doctor whose name is included in the obstetric list

18. A Board shall not enter into a contract for the provision of maternity medical services with any doctor whose name is not included in the obstetric list.

PART VI

METHOD OF OBTAINING GENERAL MEDICAL SERVICES OTHER THAN MATERNITY MEDICAL SERVICES

Selection of doctor

19.—(1) An application by a person (being a person ordinarily resident in Northern Ireland or to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970(**l**), apply) for acceptance by a doctor for inclusion in his list shall, subject to the provisions of Regulation 24(1) be made by delivery to the doctor either of a medical card duly signed and dated or an application duly signed and dated for acceptance on his list in such form as the Agency may direct.

(2) An application by a person to a doctor for acceptance as a temporary resident shall be made in writing on a form supplied by the Agency and provided by the doctor.

Assignment of persons to a doctor

20.—(1) If a person who is not on the list of any doctor has been refused acceptance by a doctor for inclusion on his list, or if a person who has been refused acceptance by a doctor as a temporary resident applies to the Agency for assignment to a doctor the Agency shall assign him to and notify accordingly such a doctor as it thinks fit. In assigning such person to a doctor the Agency shall have regard to—

(*a*) the distance between the person's residence and the practice premises of the doctors in the area;

(*b*) whether within the previous six months the person has been removed from the list of any doctor in the area at the request of the doctor; and

(*c*) such other circumstances including those concerning the doctors in the area and their practices, as the Agency thinks fit.

(**l**) S.R. & O. (N.I.) 1970, No. 56.

Provided that a person shall not, without the consent of the Ministry be assigned under this paragraph to a doctor whose list exceeds the maximum permitted by these regulations.

(2) The Agency shall have power to exempt from the liability to have persons assigned to him any doctor who applies to the Agency for that purpose and in considering such an application shall have regard to the doctor's age and state of health and the number of persons on his list.

(3)(*a*) Where a doctor is not satisfied with a decision given under paragraph (1) or (2) he may request the Agency to reconsider its decision and the Agency shall afford him an opportunity to attend to support his request orally at the meeting at which the decision is to be reconsidered.

(*b*) Where on reconsideration the Agency does not reverse its decision and the doctor is still not satisfied he may appeal to the Ministry by sending to it within seven days of receipt of the result of the Agency's reconsideration a notice in writing and giving reasons therefor.

(*c*) A doctor who has appealed against a decision under para (1) shall be responsible for the treatment of the person concerned until seven days after his appeal is heard by the Ministry, and the Ministry shall within that time notify the Agency and the doctor and patient concerned.

Provision of treatment in emergencies

21.—(1) It shall be the duty of any doctor engaging in general medical services, if requested by any person, to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area if—

(i) he is not a doctor to whom paragraph (2) applies; and

(ii) he is not, at the time of the request, relieved under paragraph 14(1) of Schedule 1 of his obligation to give treatment personally; and

(iii) he is available to provide such treatment; and

(iv) there is no doctor who, at the time of the request, is under an obligation otherwise than under this sub-paragraph to give treatment to that person, or, where there is such a doctor and, after being requested to attend, he is unable to attend and give treatment immediately required.

(2) A doctor who is elderly or infirm or who has been exempted under Regulation 20(2) from the liability to have persons assigned to him may be relieved by the Agency of any liability for emergency night calls to persons who—

(*a*) are not on his list; or

(*b*) are not temporary residents for whom he is responsible; or

(*c*) have not been accepted by him for the provision of maternity medical services.

Limitation of number of persons on doctors' lists

22.—(1) Except as provided in this regulation the maximum number of persons a doctor may have on his list shall be—

(*a*) 3500 for a doctor carrying on practice otherwise than as an assistant or in a partnership;

(*b*) 4500 for a doctor carrying on practice in partnership subject to an average of 3500 for each of the partners in the practice;

and so long as he employs an assistant or assistants (other than a trainee general practitioner) such further number not exceeding 2000 for each assistant as the Agency or on appeal the Ministry may decide in the light of the circumstances of the practice and of the amount of time given to it by the assistant. The number of persons on the list of an assistant who is a principal with a list of his own shall be regarded for the purpose of this regulation as being on the list of the doctor or partners by whom he is employed.

For the purpose of determining under this paragraph the number of persons a doctor may have on his list, a doctor who is in partnership shall be deemed to be an assistant and not a partner unless in the opinion of the Agency or on appeal the Ministry he is in the position of a principal in connection with the partnership practice and 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.

(2)(*a*) Where an excess number is due to—

(i) the creation of a partnership of which the doctor is a member, or

(ii) the death or retirement of a partner or the cessation of employment of an assistant, and the doctor is actively seeking a new partner or assistant,

the Agency, on the doctor's undertaking not to accept further patients other than the children of existing patients may permit him to retain for such period not exceeding nine months as it may determine from the date of the event which gave rise to the excess number, in addition to such children not more than the number of patients on his list (and in the case within (ii) above, on the list, if any, of his former partner) at that date.

(*b*) the Agency with the consent of the Ministry may extend any period mentioned in the preceding sub-paragraphs.

(*c*) the Agency may in special circumstances with the consent of the Ministry and subject if the Ministry so determines, to his or their undertaking not to accept further patients other than children of existing patients, permit a doctor or partnership to have on his or their list or lists such greater number of persons than authorised under paragraph (1) as may be determined. For the purpose of this regulation "quarter" means a period of three months ending 31st March, 30th June, 30th September or 31st December.

(3) 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. If there is an excess the doctor shall within two months from the date on which the excess was notified to him, take steps to reduce his list to the maximum number permitted by this regulation by—

(*a*) taking a partner, or

(*b*) engaging an assistant, or

(*c*) informing the Agency of the names of the necessary number of patients on his list whom he wishes to have removed from his list under Regulation 23. If at the end of that time such measures have not been completely effective the Agency shall remove from his list the necessary number of patients and the selection of such patients shall be at the discretion of the Agency.

(4) If a doctor gives notice under paragraph (3)(*c*), the Agency shall send a notice to each person so named to inform him that he should apply to another doctor for acceptance:

Provided that if the Agency after consulting the Local Medical Committee accepts an application for the notices to name another doctor who is willing to accept the person on his list and who has given his written consent, so however that such acceptance will not result in an excess number of patients on that other doctor's list or if that other doctor is in partnership on the average of the partnership lists; then the notices shall be issued accordingly and the name of any such person shall be included on 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.

(5) Paragraph (4) shall also apply, with any necessary modifications, where a doctor whose name is included on the medical list in respect of more than one address and who ceases to practise at one of them informs the Agency of his wish to have removed from his list the persons who would have attended for treatment at the address at which he will no longer practise.

(6) Nothing in this regulation shall restrict a doctor from accepting persons who apply to him as temporary residents, or exempt him from liability under the terms of service to give treatment immediately required to any person who applies for acceptance or to give emergency treatment.

Application by a doctor for removal of persons from his list

23.—(1) Except as otherwise provided in Regulations 20(1) and 22(3), if a doctor informs the Agency of his desire to have a person's name removed from his list the Agency shall notify the person accordingly and shall supply him with a notice enabling him to apply to another doctor for acceptance. The person's name shall be removed from the doctor's list as from the date on which the person is accepted by or assigned to another doctor, or at the expiration of a period of seven days from the date on which notice was received by the Agency from the doctor, whichever first occurs.

(2) If a doctor has given notice to the Agency of his desire to have a person's name removed from his list and the person is, at the date when the removal would take effect, in need of treatment, the doctor shall notify the Agency accordingly and the removal shall not take effect, unless the person in the meantime applies to and is accepted by another doctor, until seven days after the date on which the doctor notifies the Agency that the person is no longer in need of treatment:

Provided, however, that in a case of chronic illness this paragraph shall apply only where treatment is being given at least once a week.

Change of doctor

24.—(1) Where a person whose name is included in the list of a doctor—

(*a*) has removed from the address shown on his medical card; or

(*b*) has received a notice issued by the Agency pursuant to paragraph (3) of this Regulation or to paragraph 19 of Schedule 1; or

(*c*) has obtained in writing the consent of that doctor to the transfer; or

(*d*) has sent to the Agency, and has received an acknowledgement of, a written notification of his desire to transfer from the list of that doctor; or

(*e*) has received a notice issued by the Agency pursuant to Regulation 22(4);

he shall be entitled to make application to another doctor for acceptance, by delivery to him of his medical card, duly signed and dated, together with the appropriate notice, consent or acknowledgement where application is made under sub-paragraph (*b*), (*c*), (*d*), or (*e*) and, if accepted, he shall forthwith be entitled to receive treatment from the doctor to whom application has been made. The form of acknowledgement issued by the Agency under sub-paragraph (*d*) shall be valid for delivery as aforesaid for 14 days from the date of issue by the Agency and no longer.

(2) Where on the removal of the name of a doctor from the medical list due to death, retirement or other cause the Board has granted permission to another doctor to provide general medical services in the area, the Agency shall, as soon as may be practicable, send a notice to each person on the list of the former doctor informing him that his name has been transferred to the list of the latter doctor or, where the practice is a partnership, to the list of the latter doctor or a remaining partner, as the case may be, and requesting agreement or otherwise to the transfer on a form provided by the Agency. The Agency shall also inform him of the name and address of any doctor with whom the Board has made temporary deputising arrangements under Regulation 25.

(3) Where on the removal of the name of a doctor from the medical list due to death, retirement or other cause, the Board has not granted permission to another doctor to provide general medical services in the area, the Agency shall send a notice to each person on the list of that doctor informing him that his name has been removed from that list and either—

(*a*) that it has been transferred to the list of another doctor named in the notice who may or may not have been a partner of the doctor whose name has been removed from the medical list; or alternatively

(*b*) that he has the right to apply to another doctor for acceptance.

Where (*a*) applies, the Agency shall request the person to inform it whether he is agreeable to the transfer.

(4) A doctor who has performed a period of relevant services in an emergency recognised by the Ministry for the purpose of these Regulations and has returned to his practice at the end of such service shall within one month of his return, notify the Board in writing that he has personally resumed practice. The Board shall then inform the Agency which shall within 7 days send a notice to all persons still residing in the practice area who were on the doctor's list at the date of the recognition of the emergency, or of the beginning of his service, whichever shall be the later, and who have transferred to the list of another doctor. The notice shall state that the former has resumed practice, and that the person will be restored to his list unless within 14 days that person gives notice in writing to the Agency that he wishes to remain on the list of his present doctor. After the period of 14 days the Agency shall inform both the doctor who has resumed practice and the other doctor of the persons who have elected to remain on the list of the latter doctor.

Temporary arrangements for practice on retirement, death, etc.

25.—(1) For the purpose of securing the treatment of persons whose doctor has ceased to be included on the medical list, a Board may, after consultation with the Local Medical Committee, appoint one or more doctors to undertake the treatment of such persons; and if it makes such an appointment, it may make such arrangements, as it thinks fit for the accommodation and other needs of a doctor so appointed:

Provided that where a doctor ceases to be included on the medical list because of death and any person within seven days of the date of death makes application to the Board on behalf of the estate of the deceased doctor and the Board is satisfied that the person is acting in the interests of the estate, it may, instead of making an appointment under this paragraph, authorise that person to appoint one or more doctors to undertake the treatment of persons who were on the list of the doctor immediately before his death.

(2) An appointment of any doctor under this regulation shall be for such period as the Board thinks fit and shall be subject to the condition that any doctor appointed under this regulation agrees in writing to be bound by the terms of service which were applicable to the doctor who has ceased to be included on the medical list; and during the period of any such appointment any person who has not been transferred to another doctor shall be deemed to remain on the list of the doctor who has ceased to be included on the medical list.

Doctors' lists

26.—(1) The Agency shall prepare and keep revised a list for each doctor on its medical list of the patients for whom that doctor is, for the time being, responsible and shall from time to time furnish the doctor with information in such form, as the Ministry may determine with regard to persons included in or removed from that list.

(2) Subject to the provisions of Regulation 24(3), a person accepted by a doctor for inclusion on his list shall be included on the list from the date on which notification of acceptance is received by the Agency.

(3) A person who no longer wishes to avail himself of general medical services may at any time give notice to the Agency that he wishes his name to be removed from a doctor's list, and, at the expiration of 14 days from the date of the receipt of the notice, the Agency shall remove the name and inform the person and doctor.

(4) Where the Agency—

(*a*) after due enquiry is satisfied that a person whose name is included in the list of a doctor providing general medical services no longer resides in that part of Northern Ireland where the doctor has undertaken to provide such services or has not been able to ascertain the whereabouts of such a person: or

(*b*) has not at the expiration of one month from the date of issue of the statutory notice received from a person whose name has been transferred to the list of another doctor in accordance with Regulation 24(2) or 24(3), the form referred to therein

it may remove the name of that person from the doctor's list:

Provided that

(i) in cases to which sub-paragraph (*a*) applies the Agency shall give the doctor 6 months' notice in writing of its intention to remove the person's name from his list and the person's name shall not be so removed if the doctor satisfies the Agency, not later than the date of expiration of the notice, that he is still responsible for providing general medical services for that person;

(ii) in cases to which sub-paragraph (*b*) applies the Agency shall give the doctor notice in writing of its intention to remove the person's name from his list at the end of the following quarter and the person's name shall not be so removed if the doctor satisfies the Agency before the date of expiration of the notice, that the person is residing in his area of practice.

(5) Where the name of any person is removed from the list of a doctor under paragraph (4) the Agency shall thereupon notify the doctor and the person at his last known address.

(6) Where a person whose name is included in a list of a doctor has—

(*a*) died;

(*b*) removed from Northern Ireland;

(*c*) enlisted in Her Majesty's Forces;

(*d*) received a prison or borstal sentence of two years, or sentences totalling in the aggregate more than two years;

his name shall be removed from the doctor's list when the Agency first receives notification of such death, departure, enlistment or imprisonment.

(7) Any removal from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in pursuance of a notice given under Regulation 24(2), shall take effect from the date on which the Agency receives notification of the acceptance of the person by the last-named doctor, or, subject to the consent of the Agency, on such date, being not earlier than the date of such consent, as may be agreed between the doctors.

(8) Any other removal from a doctor's list shall take effect from the date on which the Agency first receives notice of such removal or from such other date, not being earlier than that date, as may be agreed between the Agency and the doctor.

Arrangements for temporary residents

27.—(1) A person requiring treatment who is ordinarily resident in Northern Ireland or to whom the provisions of the Health Services (Persons not Ordinarily resident in Northern Ireland) Regulations (Northern Ireland) 1970 apply, and

(*a*) is residing temporarily in a district and is not on the list of a doctor providing general medical services in that district; or

(*b*) normally resides in a school or similar institution but is temporarily residing at home in the same district; or

(*c*) normally resides at home but is temporarily residing in any institution in the same district; or

(*d*) is moving from place to place and is not for the time being resident in any place

may apply to any doctor providing services in the district in which he is temporarily residing to be accepted by him as a temporary resident and subject to paragraph (2) if he is so accepted and is a person mentioned in sub-paragraph (*a*), (*b*) or (*c*) of this paragraph he shall not be removed from the list of any doctor on which he is already included.

(2) For the purposes of this regulation a person shall be regarded as temporarily resident in a place if, when he arrives in that place he intends to stay there more than 24 hours but not more than 3 months, and if the Agency is satisfied, after due enquiry, that his stay in the district of temporary residence has exceeded three months and he has not returned to the area of permanent residence, the Agency shall remove him from the doctor's list in the area of his permanent residence, and, if practicable, inform him of that fact and, of his entitlement to seek acceptance by any doctor, including the doctor by whom he has been treated as a temporary resident, in the area in which he is living.

PART VII

METHOD OF OBTAINING MATERNITY MEDICAL SERVICES

Selection of doctor

28. A woman who holds a current medical card and who requires maternity medical services, may, after diagnosis of pregnancy by a doctor, apply for the provision of such services to any doctor on the obstetric list. The application shall be in writing on a form provided by the Agency and issued by the doctor.

Provision of treatment in an obstetric emergency

29.—(1) If a woman requires treatment immediately owing to an obstetric emergency, it shall be the duty of any doctor on the obstetric list in whose area of practice the emergency arises, who is summoned and is available or at whose surgery the woman attends and the doctor is available, to give any treatment immediately necessary, unless a doctor who has undertaken to provide maternity medical services for her or his partner, deputy or assistant is available. The treatment shall be given without charge unless she is not entitled to receive maternity medical services.

(2) Any charge made by a doctor in respect of treatment provided under sub-paragraph (1) shall be in accordance with any determination which may be made by the Ministry under Regulation 32(*c*).

(3) The treatment referred to in sub-paragraph (1) shall be given whether or not the woman is able to produce evidence of her entitlement to maternity medical services.

Change of doctor

30.—(1) On the removal of the name of a doctor from an obstetric list, the Agency shall give each woman for whom he has undertaken to provide maternity medical services notice of her right to apply to another doctor for the provision of such services in accordance with Regulation 28.

(2) Arrangements between a doctor on the obstetric list and any person for the provision of maternity medical services may be terminated at any time by mutual consent and the woman may then make fresh arrangements in accordance with Regulation 28.

(3) In default of mutual consent as indicated in paragraph (2) either the doctor or the woman may apply to the Board for permission to terminate the arrangements and, after considering any representations the doctor and the woman may make, the Board may terminate the arrangements and give notice to the woman of her right to make fresh arrangements in accordance with Regulation 28.

Arrangements for temporary residents

31. A woman who has already been accepted as a patient by a doctor to whom she has applied in accordance with Regulation 28 but who is residing temporarily outside his area of practice may apply to any doctor on the obstetric list in the neighbourhood for the provision of such services as she may require during her period of temporary residence.

PART VIII

FINANCIAL PROVISIONS

Remuneration of doctors

32. The Agency shall make payments to doctors in contract with the Boards, in accordance with such rates of payment and conditions attaching thereto as the Ministry, after consultation with such organisation as may be recognised by the Minister as representing the medical profession, and with the consent of the Ministry of Finance, may from time to time determine, so as to secure compliance with section 8 and Schedule 2 to the Finance Act (Northern Ireland) 1971(**m**).

In particular the Ministry may make provision for the following matters:—

(*a*) basic and supplementary practice allowances, and additional allowances for group practice, vocational training, seniority and employment of assistants;

(*b*) standard and supplementary capitation fees and capitation fees for elderly patients;

(*c*) fees for maternity medical services;

(*d*) fees for items of service and temporary residents;

(*e*) fees and allowances for the supply of drugs and appliances and also for rural practice;

(*f*) allowances for post graduate training, for training doctors and for initial practice;

(*g*) allowances for practice expenses and for improvements of premises;

(*h*) group practice loans;

(*i*) such other payments or arrangements in respect of practice expenses or practice improvements as may be determined by the Ministry with the consent of the Ministry of Finance.

Recovery of charges

33. Where the Agency has required a doctor to supply all requisite drugs and appliances to a person on his list, or to a person for whom he has undertaken to provide maternity medical services, it shall be the duty of the doctor to recover from such person, any charges which are payable in accordance with the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973 and to remit all such charges to the Agency as soon as practicable after the end of each month.

Deductions in respect of superannuation contributions

34. The Agency shall make such deductions as are authorised by the Health Services (Superannuation) Regulations (Northern Ireland) 1962(**n**) from the remuneration payable to doctors providing general medical services in respect of superannuation contributions, and shall pay such contributions to the Ministry.

(**m**) 1971. c. 27 (N.I.). (**n**) S.R. & O. (N.I.) 1962, No. 237.

PART IX

PHARMACEUTICAL COMMITTEE

Constitution

35. The provisions set out in Schedule 5 shall apply, as appropriate, in relation to the Pharmaceutical Committee which shall be constituted by the Agency for the purpose of determining, in accordance with scales fixed by the Ministry, the amounts of payment to be made to persons providing pharmaceutical services in respect of drugs, or appliances or both supplied by them in accordance with these Regulations.

PART X

CHEMISTS

Terms of service for chemists

36. The arrangements which a Board is required by Article 63 of the Order to make for the supply of drugs and appliances to persons receiving general medical services, and of drugs to persons receiving general dental services, shall incorporate the terms of service contained or referred to in Schedule 4.

Pharmaceutical list

37.—(1) The Agency shall from information obtained from the Boards, prepare a list, to be called "the pharmaceutical list" of the names and places of business of the chemists who having made the appropriate application are entitled to be included in the list for the provision of pharmaceutical services and the list shall indicate whether they have undertaken to supply drugs or appliances or both.

(2) Any chemist not disqualified under the provisions of Schedule 11 to the Order who applies to be included in the pharmaceutical list shall, subject to the provisions of Article 64 of the Order, be so included for the purpose of supplying such drugs and appliances as that person is entitled by law to sell.

(3) An application by a chemist mentioned in paragraph (2) shall be made to the Board, in whose area his place of business is situated, on a form approved by the Ministry and available from the Board.

(4) A chemist on the pharmaceutical list shall within 14 days notify the Board of any change or addition affecting the entries which the pharmaceutical list is required to contain in relation to him.

(5) The Agency shall send a copy of the pharmaceutical list to the Ministry, each Board and the Local Pharmaceutical Committee and shall within 14 days inform each of them of any alteration which may from time to time be made therein.

(6) Copies of the pharmaceutical list shall be made available for inspection at the offices of each Board, the office of the Agency and at such other places as appear to the Agency to be convenient for informing all persons interested.

Schemes for securing proper pharmaceutical services

38.—(1) The Agency, after consultation with the Boards and the Local Pharmaceutical Committee, shall prepare schemes—

(*a*) for testing the quality and amount of the drugs and appliances supplied and the accuracy of dispensing; and

(*b*) for securing that one or more places of business on the pharmaceutical list in each neighbourhood shall at all reasonable times be open;

and the latter scheme shall specify the days and hours during which such place or places shall be open.

(2) In the event of the Agency, the Boards and the Local Pharmaceutical Committee failing to agree on any provision of the schemes, the matter shall be referred to the Ministry whose determination shall be final.

(3) The provisions of any such scheme shall be subject to the approval of the Ministry.

(4) The Agency, after consultation with the Boards and the Local Pharmaceutical Committee, may from time to time amend any such scheme subject to the approval of the Ministry. If the Agency, the Boards or the Local Pharmaceutical Committee desire any amendment, such scheme, may, in default of agreement, be amended by the Ministry.

Appliances

39. The appliances listed in Schedule 3 shall be prescribed appliances for the purposes of Article 63 of the Order:

Provided that no appliance shall be a prescribed appliance for these purposes unless it complies with the specifications applicable thereto contained in the Drug Tariff.

Prices and standards of drugs and appliances

40. For the purpose of enabling arrangements to be made for the supply of drugs and appliances of proper quality, the Ministry, after consultation with such organisation or organisations as may be recognised by the Minister as representing the pharmaceutical profession, shall cause to be prepared a statement (in these Regulations referred to as "the Drug Tariff") which shall include—

(*a*) the prices on the basis of which the payment for drugs and appliances ordinarily supplied is to be calculated;

(*b*) the method of calculating the payment for drugs not mentioned in the Drug Tariff;

(*c*) the method of calculating the payment for containers;

(*d*) the dispensing or other fees payable in respect of the supply of drugs and appliances;

(*e*) the standards of quality for drugs and appliances;

(*f*) the method by which a claim may be made for compensation for financial loss in respect of oxygen equipment.

The prices referred to in this Regulation shall be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost price of drugs and appliances.

The Drug Tariff may be amended from time to time by the Ministry after consultation with such organisation or organisations as aforesaid.

PART XI

SUPPLY OF DRUGS, ETC., BY DOCTORS

Arrangements for supply by doctors of drugs and appliances

41.—(1) Where the Board is satisfied that a person, by reason of distance, inadequacy of means of communication or other exceptional circumstances would have serious difficulty in obtaining any necessary drugs or appliances from a chemist it may, unless the person notifies it that, notwithstanding, he desires to obtain such supplies from a chemist, require the doctor in whose list the person is included to supply to that person until further notice such drugs and appliances as would otherwise under these Regulations have been supplied by a chemist:

Provided that

(i) where the number of such persons in respect of whom a doctor has been so required exceeds 80 per cent. of the total number of persons on his list the Board, may, subject to a power to except specified persons, require the doctor to supply any necessary drugs and appliances to all persons on his list; and

(ii) where an appliance is included in a special list drawn up by the Agency in consultation with the Ministry and is one which in the opinion of the Agency the doctor could not reasonably be expected to have in stock he may with the patient's consent, instead of supplying it, issue a prescription therefor to the patient.

(2) A doctor shall be entitled to receive reasonable notice from the Board that he is required to undertake the supply of drugs and appliances, or that such supply is to be discontinued.

(3) The Board may make arrangements with doctors on the obstetric list for the supply of drugs and appliances to patients for whom they have undertaken to provide maternity medical services.

PART XII

MISCELLANEOUS

Publication of particulars of arrangements

42. The Agency shall publish, in such manner as appears to it best calculated to inform all persons interested, particulars of the ararngements made by the Boards for the provision of general medical and pharmaceutical services including a statement of the places where copies of the terms of service for doctors and chemists and copies of the medical list, the obstetric list and of the pharmaceutical list may be seen and where any forms of application for inclusion in such lists are available and any other particulars which the Agency thinks proper.

Exercise of choice of doctor or chemist in certain cases

43. The right to choose the person by whom general medical services or pharmaceutical services under Part VI of the Order are to be provided shall be exercised—

(*a*) on behalf of any person under the age of sixteen by a parent, or, in the absence of both parents, the guardian or other person who has the care of the child; and

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity is incapable of choosing a person to provide any of the services by the relative or other person who has the care of such person:

Provided that in the case of persons under the care of the managers of a training school the right to choose shall be exercised by the managers of the school or a person duly authorised by them in that behalf.

Revocation of regulations

44. The regulations named in Schedule 6 are hereby revoked.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 20th day of September 1973.

(L.S.) *F. A. Elliott,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 27th day of September 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

SCHEDULE 1 Regulation 3

Terms of Service for Doctors

Interpretation

1. In these terms of service, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them, that is to say:—

"patient" means a person for whose treatment a doctor is responsible under paragraph 3;

"recognised professional organisation" means any organisation, body or committee recognised by the Minister for the purposes of the terms of service as representative of the medical profession;

"the Regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973;

"single-handed practice" means a practice in which only one doctor is engaged;

and other words and expressions have the same meaning as in the Order and the Regulations.

Incorporation of provisions of Regulations, etc.

2.—(1) Any provisions of the Order, the Regulations, the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973 and the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973, affecting the rights, duties and obligations of doctors shall be deemed to form part of these terms of service.

(2) Where in accordance with Regulation 15(3) any restrictions have been imposed with regard to the admission of a doctor to the obstetric list, such restrictions shall be deemed to form part of his terms of service.

Persons for whose treatment a doctor is responsible

3.—(1) The persons for whose treatment a doctor is responsible are:—

(*a*) all persons whom he has accepted for inclusion in or who have been transferred to his list and who have not been notified to him by the Agency as having ceased to be on his list;

(*b*) all persons whom he has accepted as temporary residents;

(*c*) all persons who have been assigned to him by the Agency and who have not been notified to him by the Agency as having ceased to be on his list;

(*d*) all persons for whom he may be required under the terms of the Regulations to provide treatment pending their acceptance by or assignment to a doctor or to provide treatment in case of accident or other emergency;

(*e*) all persons to whom paragraph 6(2) applies;

(*f*) all persons in relation to whom he is acting as deputy to another doctor.

(2) A doctor on the obstetric list shall be responsible for the provision of maternity medical services for all persons for whom he has undertaken to provide such services in accordance with paragraph 5.

(3) A doctor who is providing general medical services in accordance with arrangements made under Regulation 25 or paragraph 19 of these terms of service shall, while such arrangements continue, be responsible for the treatment of such persons as shall have been arranged, being persons referred to in the said Regulation or paragraph, as the case may be, who have not been transferred to the list of another doctor.

(4) Notwithstanding anything contained in this paragraph, a doctor shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment, unless he is a member of the staff of the hospital and the terms of his appointment permit of his providing general medical services other than maternity medical services (or in the case of a doctor on the obstetric list, of his providing maternity medical services) for any patient of his in any part of that hospital, or unless the hospital or part of the hospital to which the patient is admitted is one in which persons are entitled to secure treatment by their own doctor whether or not such doctor is on the hospital staff.

(5) It shall be the duty of a doctor if he refuses to accept a person (being a person ordinarily resident in Northern Ireland or to whom the provisions of the Health Services (Persons not Ordinarily Resident in Northern Ireland) Regulations (Northern Ireland) 1970 apply) who applies for acceptance as a patient for the purposes of receiving general medical services other than maternity medical services and who is not on the list of any other doctor practising in the area within which he had undertaken to provide treatment:—

(*a*) to give the applicant without charge, other than the prescribed charge, such treatment, including the supply of drugs and appliances, as may be immediately necessary, pending his acceptance by or assignment to a doctor;

(*b*) to inform him of the name and address of any neighbouring doctor or doctors to whom application for acceptance might be made, and that failing acceptance the applicant may give notice to the Agency that he desires to be assigned to a doctor.

(6) Where a doctor on the obstetric list refuses to provide maternity medical services in the case of a woman who applies to him for such services in accordance with Regulation 28 or Regulation 31 and who is residing in the area within which the doctor has undertaken to provide maternity medical services it shall be his duty, unless he is satisfied that she is already receiving maternity medical services from any other doctor in the area—

(*a*) to give without charge to her, other than the prescribed charge, such treatment including the supply of drugs and appliances, as may be immediately necessary, pending her acceptance by another doctor;

(*b*) to inform her of the name and place of attendance of any neighbouring doctor or doctors on the obstetric list to whom application might be made and of the address of the nearest ante-natal clinic of the Board.

Method of acceptance on doctor's list

4. The acceptance of an applicant shall be signified by the signing of his medical card, or a form of application for acceptance on a doctor's list, by the doctor or his partner, assistant or deputy duly authorised in that behalf:

Provided that a partner, assistant or deputy signing such card or form on behalf of a doctor shall also add the doctor's name, and the doctor shall send the card or form together with any acknowledgement or notice which may have been delivered to him by the applicant pursuant to Regulation 24(1)(*d*) or 24(1)(*e*) to the Agency within 7 days.

Method of acceptance for the provision of maternity medical services

5. Where a doctor on the obstetric list undertakes to provide maternity medical services required by a woman who applies to him in accordance with Regulation 28 or Regulation 31 he shall advise the Board forthwith to this effect in such form as it may require.

Evidence of person's title to obtain treatment

6.—(1) A doctor is entitled to require a person—

(*a*) claiming to be on his list and applying for treatment, regarding whose identity he has reasonable doubts;

(*b*) applying for acceptance on his list;

(*c*) applying for treatment as a temporary resident;

(*d*) applying to him, being a doctor on the obstetric list, for the provision of maternity medical services;

to produce his or her medical card or satisfactory evidence of identity or entitlement to receive general medical services whichever is appropriate.

(2) If the person fails on request to produce his medical card or such evidence as is referred to in sub-paragraph (1) the doctor is required to give any necessary treatment (including the supply of any drugs or appliances which he would be required himself to supply to a person on his list) but the doctor may demand and accept from the applicant a reasonable fee for any treatment given, including any drugs or appliances supplied, provided that he renders the applicant an account or receipt on a form provided for the purpose by the Agency. The doctor may not order any drug or appliance on one of the order forms provided by the Agency so as to enable the person to obtain the drug or appliance as part of pharmaceutical services.

(3) The person may apply to the Agency for a refund within 14 days thereafter (or such longer period not exceeding one month, as may be allowed by the Agency if it is satisfied that the failure to make application within the period of 14 days was occasioned by some reasonable cause).

(4) If the Agency is satisfied—

(*a*) that the person was at the time of treatment on the doctor's list; or

(*b*) that he was eligible for inclusion in such list and was not already on the list of another doctor; or

(*c*) that being on the list of another doctor he was entitled to apply for acceptance under Regulation 24(1); or

(*d*) that he was a temporary resident; or

(*e*) that the person was eligible for the provision of maternity medical services and was not already receiving maternity medical services from any other doctor in the area;

and, where application for acceptance on the doctor's list or acceptance for the provision of maternity medical services is involved, that the form of application for such acceptance properly completed, has been received, it may recover the fee from the doctor by deduction from his remuneration or otherwise and shall repay to the applicant the amount of the fee. The Agency shall also refund any payment made by him to a chemist in respect of drugs or appliances which he would, if he had presented a prescripton on one of the order forms provided by the Agency, have been entitled to obtain payment of the prescribed charge:

Provided that the amount so refunded shall not exceed the amount, reduced in accordance with the terms of the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973, which would have been payable by the Agency for such drugs or appliances on the basis of the Drug Tariff, if they had been ordered on a form provided by the Agency.

(5) Where such a fee as is referred to in sub-paragraph (4) has been recovered from a doctor's remuneration and if the doctor has supplied any drug or appliance for which, in the case of a person on his list, he would have been entitled to payment from the Agency, the Agency shall credit him with the payment to which he would have been so entitled.

Range of service

7.—(1) A doctor is required to render to his patients all proper and necessary treatment of a kind usually undertaken by a doctor and not requiring special skill or experience of a degree or kind which doctors as a class cannot reasonably be expected to possess. Such treatment includes consultation, medical attendance, prophylaxis and the administration of anaesthetics. Subject to sub-paragraph (3) the treatment to be so provided does not include—

(*a*) services which involve the application of such special skill or experience as aforesaid;

(*b*) the administration of an anaesthetic at an operation performed by a doctor providing maternity medical services;

(*c*) maternity medical services, unless the doctor has by arrangement with his patient, undertaken to provide her with such services.

(2) In the case of maternity medical services the expression "all proper and necessary treatment" shall comprise all necessary medical services during pregancy, confinement and the post-natal period including:—

(*a*) attendance at an emergency in connection with the pregnancy if the doctor is summoned by or on behalf of the patient;

(*b*) attendance if summoned by a midwife;

(*c*) the referral of patients to services provided at a hospital vested in the Ministry or to other services provided by the Board in connection with the care of expectant and nursing mothers and young children; and

(*d*) where the doctor is not the doctor in whose list the person is included, the issue if required to the person or her personal representative of certificates of pregnancy, expected confinement, and confinement in accordance with the provisions of paragraph 9:

Provided that nothing in this sub-paragraph shall affect the responsiblity of the doctor in whose list the person is included for treatment of a kind usually provided by doctors which is necessary for her general health.

(3) In the case of emergency the doctor is required to render whatever services are, in the circumstances, in the best interests of the patient.

(4) In determining whether a particular service is a service involving the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by doctors practising in the district in which the question arose.

Service to patients

8.—(1) A doctor is required to visit and treat all patients on his list and, in the case of a doctor on the obstetric list, all patients for whom he has undertaken to provide maternity medical services, whose condition so requires at their normal addresses or at any place within his area of practice as set out in his form of application for inclusion in the medical list.

(2) If the condition of a patient is such as to require treatment which is not within the scope of the doctor's obligations under these terms of service but such treatment is, to the knowledge of the doctor, available at a hospital vested in the Ministry, the doctor shall inform the patient of the fact and, if the patient so wishes, the doctor shall take all necessary steps to enable him to receive such treatment. When referring a patient for treatment provided at a hospital vested in the Ministry, the doctor shall give adequate particulars, in writing if so required, either beforehand or as soon as possible afterwards. The doctor shall also give his patients such advice or assistance as he may consider appropriate to enable them to take advantage of other available services and maternity medical services.

(2) If the condition of a patient is such as to require treatment which is services, the doctor shall, unless he has already done so on a previous occasion and, if the patient so wishes, furnish him with a recommendation for such services on a form provided by the Agency for the purpose.

Medical certificates

9.—(1) A doctor is required to issue to his patients or their personal representatives free of charge any certificates reasonably required by them under or for the purposes of the following enactments;

Births and Deaths Registration Act (Northern Ireland) 1967(**o**);

Electoral Law Act (Northern Ireland) 1962(**p**);

Family Allowances Act (Northern Ireland) 1966(**q**);

Mental Health Act (Northern Ireland) 1961(**r**);

National Insurance Act (Northern Ireland) 1966(**s**);

National Insurance (Industrial Injuries) Act (Northern Ireland) 1966(**t**);

Representation of the People Act (1949(**u**);

Supplementary Benefits, etc., Act (Northern Ireland) 1966(**v**);

Articles 7 and 15 of the Health and Personal Social Services (Northern Ireland) Order 1972;

and any certificate which a doctor is required to issue for the purposes of the National Insurance Act (Northern Ireland) 1966 or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966 shall be issued in accordance with any Regulations made under those Acts:

Provided that a doctor shall not be required to issue a certificate to a patient who, for the conditions to which the certificate relates—

(*a*) is being attended by another doctor (other than a partner, deputy or assistant of the first-named doctor); or

(*b*) is not being treated by, or under the supervision of, a doctor.

(2) If in any case a disclosure to the patient of the precise cause of incapacity would, in the doctor's opinion, be prejudicial to the patient's well-being, and in any certificate issued in accordance with any Regulations is under the National Insurance Act (Northern Ireland) 1966 or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966, the doctor has not described the incapacitating disease or disablement in precise terms, he shall send, on the day on which the first such certificate is signed, to the Chief Medical Officer of the Ministry a notice in the appropriate form showing the precise cause of incapacity.

Anæsthetics

10. A doctor is responsible for providing the services of another doctor for the administration of an anaesthetic, when necessary, in connection with any operation on his patient undertaken by him under these terms of service, whenever such administration does not involve the application of special skill or experience of a degree or kind which doctors as a class cannot reasonably be expected to possess.

Drugs and appliances

11.—(1) (*a*) A doctor is required to supply to a patient such drugs and appliances as are required for immediate administration or application, or for use before a supply can be obtained otherwise under the Regulations.

(*b*) A doctor may supply any other drug which is administered by him in person or any of the pessaries included in Schedule 3.

(*c*) Upon payment of the prescribed charge a doctor shall supply all requisite drugs, and appliances which, under Regulation 41, he is required by the Board to supply to a patient.

(*d*) A drug supplied by a doctor, unless administered in person, shall be supplied in a suitable container, properly labelled with the patient's name, the dose and frequency of dosage.

(**o**) 1967. c. 25 (N.I.).
(**p**) 1962. c. 14.
(**q**) 1966. c. 8 (N.I.).
(**r**) 1961. c. 15.
(**s**) 1966. c. 6 (N.I.).
(**t**) 1966. c. 9 (N.I.).
(**u**) 12 & 13 Geo. 6 c. 68.
(**v**) 1966. c. 28 (N.I.).

(2) A doctor is required to order, on a form supplied by the Agency for use in his practice, such drugs and appliances (other than those supplied under sub-paragraph (1)) as are requisite for the treatment of any patient. The order shall be signed by the doctor with his own hand and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order. The forms so provided shall not be used for persons other than the patients who are under treatment by him and a separate form shall be used for each patient.

(3) A doctor shall comply with any reasonable request by the Agency to furnish orders, on a form provided by the Agency, for drugs and appliances for the purposes of any scheme made under the Regulations for testing drugs and appliances.

Medical records

12. A doctor is required to keep medical records of his patients in such form as the Ministry may from time to time determine.

Furnishing of information and inspection

13.—(1) A doctor is required—

(*a*) to forward, with reasonable promptness, to the Medical Officer when called for, the records required by these terms of service;

(*b*) upon knowledge of the death, enlistment in Her Majesty's Forces or removal from Northern Ireland of a person on his list, or upon the removal of the name of a person from his list, to forward the record of such person to the Medical Officer within 7 days;

(*c*) upon the termination in accordance with Regulation 30(2) or 30(3) of arrangements between him and a person for the provision of maternity medical services, to forward forthwith to the Chief Administrative Medical Officer of the Board, the medical record of the patient concerned;

(*d*) to permit the Medical Officer to inspect medical records of patients and to furnish to the Medical Officer any necessary information with regard to the entries therein as he may request; for the purposes of ascertaining whether or not such records are properly kept;

(*e*) to answer any enquiries of the Medical Officer with regard to any prescription or certificate issued by the doctor or to any statement made in any report furnished by him under these terms of service;

(*f*) on receipt of reasonable notice to permit a Medical Officer of the Board to inspect any surgery or waiting room at all reasonable times.

(2) A doctor is required—

(*a*) to furnish in writing to the Chief Medical Officer of the Ministry with reasonable promptness any information which the latter may require with regard to any prescription issued, or report furnished by him to the Ministry, under these terms of service or with regard to the case of any patient to whom the doctor has issued or declined to issue a medical certificate under or for the purposes of the National Insurance Act (Northern Ireland) 1966, or the National Insurance (Industrial Injuries) Act (Northern Ireland) 1966;

(*b*) upon notice being given, to afford to the Chief Medical Officer of the Ministry or his deputy access at all reasonable times to the doctor's surgery or other place where the records required by these terms of service are kept for the purpose of the inspection of such records and to furnish to the Chief Medical Officer of the Ministry such records or necessary information with regard to any entry therein as he may request

Deputies, assistants and partners

14.—(1) In the case of general medical services other than maternity medical services, a doctor shall normally give treatment personally but if reasonable steps are taken to ensure continuity of treatment such treatment may be given by a partner, assistant or deputy, or if it is treatment which it is reasonable in the circumstances to delegate to a member of his staff, being a person who is competent to carry out such treatment, by such member.

(2) In the case of maternity medical services, all treatment shall be given by a doctor personally, except—

(*a*) where the doctor is prevented from so doing by reason of other professional duties, temporary absence from home or other reasonable cause;

or

(*b*) where two or more doctors, whose names are included in the obstetric list, are practising in partnership or as a principal and assistant. In such a case, treatment may be given by a partner or assistant of the doctor who has accepted the patient instead of by that doctor in person, if reasonable steps are taken to ensure continuity of treatment:

Provided that the patient shall be entitled to require the personal services of that doctor except when the latter is prevented from attending for any of the reasons referred to in sub-paragraph (*a*).

(3) A doctor shall make all necessary arrangements for securing the treatment of his patients. He shall inform the Board of any standing deputising arrangements and likewise when he proposes to be absent from his practice for more than a week, of the names of the doctor or doctors who will be responsible for his practice during his absence.

(4) (*a*) Subject to the provisions of sub-paragraph (*b*) a doctor shall only provide as a deputy a doctor—

(i) who is a partner of, or who personally has entered into a contract for the purpose with, the first named doctor; or

(ii) who is included in the medical list or who is a partner or assistant of a doctor who is so included; or

(iii) who acts as deputy for no financial reward; or

(iv) who is a person employed by a deputising service.

(*b*) A doctor shall not employ as a deputy a person who is a director or member of, or a person employed (whether under contract of service or otherwise) by a deputising service without the consent of the Board, or on appeal the Ministry. In giving such consent the Board, or on appeal the Ministry, may from time to time impose such conditons as it considers necessary or expedient, and before giving its consent or imposing conditions the Board shall, as far as practicable, consult the local Medical Committee.

(*c*) The Board may at any time, and shall periodically, review, in consultation with the Local Medical Committee, any consent given or condition imposed under sub-paragraph (*b*) and any doctor aggrieved by any withdrawal of consent or variation of conditions shall be entitled to appeal to the Ministry.

(*d*) Any appeal under sub-paragraph (*b*) shall be made within one month, and any appeal under sub-paragraph (*c*) within 7 days, of receipt by the doctor of notice of the Board's decision.

(*e*) The expression "deputising service" in this sub-paragraph shall include any person who, or body which, undertakes to provide as part of his or its business a deputy or deputies for doctors.

(5) A doctor—

(*a*) shall, without delay, notify the Board of the name of any assistant employed by him and, on request, shall furnish on a form to be supplied by the Board any information in connection with the employment which may be required by the Agency for the purposes of the Health Services (Superannuation) Regulations (Northern Ireland) 1962;

(*b*) shall not, except with the consent of the Board employ an assistant for a period exceeding 3 months in any period of 12 months and where such consent has been given it shall be subject to review by the Board.

(6) A doctor shall not, without the consent of the Ministry, employ as a deputy or assistant any doctor who is disqualified under Schedule 11 to the Order for inclusion in the medical list.

(7) A doctor on the obstetric list shall not, for the purposes of providing maternity medical services—

(*a*) employ an assistant whose name is not included in the obstetric list;

(*b*) without the consent of the Board, employ as a deputy any doctor whose name is not included in the obstetric list.

(8) A doctor acting as deputy shall be entitled to treat patients at places and at times other than those arranged by the doctor for whom he is acting, due regard being had to the convenience of the patients.

(9) A deputy or assistant (other than a partner or assistant whose name is included in the medical list) shall, in addition to signing with his own name any certificate, prescripton form or other document issued by him under these terms of service, insert therein, if it does not already appear, the name of the doctor for whom he is acting as deputy or assistant.

(10) Subject to sub-paragraph (11) and (12), a doctor shall be responsible for all acts and omissions of any doctor acting as his deputy or assistant or of any other member of his staff in relation to his obligations under these terms of service.

(11) Where the deputy is also a doctor in contract with a Board to provide general medical services he shall be responsible for his own acts and omissions.

(12) A deputy (including a partner acting as a deputy) or an assistant whose name is included in the obstetric list shall be responsible for his own acts and omissions.

Submission of claims in respect of the provision of maternity medical services

15.—(1) Subject to sub-paragraph (2) a doctor on the obstetric list who has arranged to provide maternity medical services for a woman shall, within 9 months after the date of confinement, submit to the Board his claim for payment on a form provided by the Board and duly completed by him, and if a claim for payment is submitted later than 9 months after the date of confinement, the Board may refuse payment of such claim.

(2) Where a doctor has not provided the full range of maternity medical services in respect of a woman but has provided partial services, then, if he desires to claim a fee in respect of such services he shall complete and send his claim for payment to the Board in such form and within such time as the Board may require.

Arrangements for practice

16.—(1) A doctor is required to provide proper and sufficient surgery and waiting room accommodation for his patients at his residence or such other place as is mentioned in sub-paragraph (2), having regard to the circumstances of his practice. A doctor shall not, except with the approval of the Board provide general medical services in premises occupied by him in a building in which a chemist provides pharmaceutical services.

(2)(*a*) A doctor shall attend and treat at his residence or such other place or places as may be agreed between him and the Board and on the days and at the hours to be arranged to the satisfaction of the Board any patient who attends there for that purpose, and he may not, without the consent of the Board—

(i) change the place or places of his attendance; or

(ii) reduce or add to the number of such places; or

(iii) change the days or hours of his attendance; or

(iv) alter his area of practice; or

(v) reside beyond reasonable distance from his area of practice:

Provided that where a patient attends when an appointment system is in operation and has not previously made, and is not given, an appointment to see the doctor at that time, the doctor may decline to attend and treat the patient during that surgery period if the patient's health would not thereby be jeopardised and the patient is offered an appointment within a reasonable time having regard to all the circumstances. The doctor shall take all reasonable steps to ensure that a consultation is not so deferred without his knowledge.

(*b*) Where the Board has given consent to an alteration as in sub-paragraph (2)(*a*), the doctor shall take such steps as the Board considers necessary to bring the alteration to the notice of his patients.

(*c*) A doctor who intends to operate an appointment system shall inform the Board of his intention. Where a doctor succeeds to a practice where such a system is in operation or joins a partnership operating such a system he shall only be required to notify the Agency in writing of that fact.

Acceptance of fees

17.—(1) A doctor shall not demand or accept any fee or other remuneration, other than payments due to him under the Regulations, in respect of any treatment rendered, or any drug or appliance supplied, whether under these terms of service or not, to his patients or those of his partner or assistants or of a doctor for whom he is acting as deputy:

Provided that nothing in this paragraph shall debar a doctor from demanding and accepting a fee or other remuneration—

(*a*) under paragraph 6;

(*b*) from any statutory body in respect of services rendered for the purpose of that body's statutory functions;

(*c*) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body as to any administrative action they should take;

(*d*) for treatment not included within the range of service defined in paragraph 7 given—

(i) in accommodation made available for private patients in accordance with Articles 31 and 32 of the Order; or

(ii) in a registered nursing home, not being a hospital vested in the Ministry;

if in either case the doctor is serving on the staff of a hospital vested in the Ministry as a specialist providing treatment of the kind required by the patient and within 7 days after the date on which treatment is given the doctor has furnished the Agency on a form to be supplied by it for the purpose, with such particulars relating to the service rendered as it may require;

(*e*) for the issue to persons of medical certificates other than those issued under or for the purposes of any enactments listed in paragraph 9;

(*f*) under section 54 of the Road Traffic Act (Northern Ireland) 1955 (which section relates, among other things to the cost of the medical examination of persons convicted of certain offences under the Road Traffic Acts);

(*g*) from a dentist for the adminstration of an anaesthetic required for the purposes of dental treatment;

(*h*) from a partner or assistant in respect of the provison of an anaesthetic to a patient of the partner or assistant;

(*i*) for either the prescribing of a contraceptive drug or the prescribing and fitting of a contraceptive appliance, when the drug or appliance is not necessary to preserve the patient's physical or mental health, so however that no remuneration shall be demanded or accepted for an examination or advice connected with such prescribing and fitting;

(*j*) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings which the police are in mind to bring against him;

(*k*) for treatment consisting of an immunisation in connection with travel abroad for which no remuneration is payable by the Agency;

(*l*) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical grounds.

(2) A doctor shall take all reasonable steps to ensure that any partner, deputy or assistant of his, whether or not such partner, deputy or assistant is providing general medical services, shall not demand or accept any fee or other remuneration in respect of medical treatment rendered to a patient of such doctor other than that which the doctor himself would have been entitled to receive under these terms of service.

Withdrawal from the medical list or the obstetric list

18.—(1) Subject to sub-paragraph (2) a doctor may at any time give notice to a Board that he desires to have his name withdrawn from the medical list or obstetric list, or both such lists and his name shall be removed therefrom at the expiration of 3 months from the date of such notice or of such shorter period as the Board may agree.

(2) Where representations concerning a doctor have been made to the Tribunal in accordance with Schedule 11 to the Order, he shall not, except with the consent of the Ministry, and subject to such conditions as the Ministry may impose, be entitled to have his name removed from the medical list or the obstetric list, or both such lists, as the case may be, pending the determination of proceedings on such representations.

Continued absence or disability of a doctor

19.—(1) Where the Board, after having given 7 days' notice by post to a doctor and not having received a satisfactory reply, is satisfied that owing to his continued absence or bodily or mental disability his obligations under the terms of service are not being adequately carried out, it may with the consent of the Ministry and the Local Medical Committee make such arrangements as it considers necessary including the appointment of a deputy for and on behalf of the doctor and may deduct the cost of the arrangements in whole or in part from the remuneration of the doctor; and it may with such consent give notice to the persons on his list that the doctor is for the time being in its opinion not in a position to carry out his obligations under the terms of service and that they should choose another doctor.

(2) During any period in which a doctor is performing relevant service in an emergency recognised by the Ministry for the purpose of these Regulations, the Board shall, if it appoints a deputy under sub-paragraph (1), deduct the cost of the arrangements from the remuneration of the doctor.

SCHEDULE 2

Constitution of the Obstetric Committee

1. The Obstetric Committee shall consist of—

(*a*) four doctors in active obstetric practice;

(*b*) one consultant obstetrician in active domiciliary consultative obstetric practice;

(*c*) an administrative medical officer in the employment of a Board;

(*d*) a medical officer of the Ministry;

appointed by the Ministry after consultation with such organisations as may be recognised by the Minister as representative of the appropriate branches of the medical profession.

2. The chairman and vice-chairman shall be appointed from the numbers of the Committee by the Ministry after consultation with the organisations referred to in paragraph 1.

3. All members shall be appointed for a period of three years.

4. A member may be re-appointed to the Committee on the expiration of his term of office.

5. A member may resign from the Committee by giving notice in writing to the Ministry and a member who is appointed as being a person actively engaged in obstetric practice shall be deemed to have resigned if he ceases to be so engaged.

6. In case of a vacancy in membership occurring a person shall be appointed to fill that vacancy for the remainder of the period for which his predecessor was appointed.

7. The chairman or vice-chairman and two other members shall form a quorum and in the case of equality of votes the chairman or vice-chairman, as the case may be, shall have a second or casting vote.

8. The procedure shall be such as may be determined by the Committee.

SCHEDULE 3

List of prescribed appliances

Animal Wool

Applicators

Armslings

Atomisers

Bandages

Breast Relievers

Breast Shields

Brushes

Catheters, urethral

Cellulose tissue

Cellulose wadding

Chiropody Appliances

Chiropody Felt

Colostomy/Ileostomy apparatus: Repairs and replacements only

Contraceptive Devices for Women

Corn and bunion plasters and rings

Cotton Wools

Douches, with rectal and vaginal fittings

Dressings

Droppers

Elastic Hosiery

Eye baths

Eye ointment rods

Eye shades

Finger cots

Finger stalls

Funnels

Gauzes

Gauze and cotton tissues

Hypodermic needles

Hypodermic syringes—spirit proof cases

Ice bags

Inhalers

Insufflators

Irrigators

Laryngectomy protectors

Lints

Metatarsal pads

Nipple Shields

Orthopaedic felt

Oxygen equipment

Perfusion fittings

Pessaries

Plasters

Protectives

Rectal dilators

Rubber tubing

Splinting rigid

Sponge rubbers

Sputum flasks

Stockinette

Suprapubic belts: repairs and replacements only

Syringes

Test tubes

Tow

Trusses

Urinals, portable

Urine Sugar Analysis Set

Vaccination Pads

Vaporizers

SCHEDULE 4 Regulation 36

Terms of service for chemists

Interpretation

1. In these terms of service, unless the context otherwise requires—

"drugs" in relation to drugs ordered by a dental practitioner means such drugs and medicines as are included in a list for the time being approved by the Ministry;

"the Regulations" means the Health and Personal Social Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1973;

and other words and expressions have the same meaning as in the Regulations.

Incorporation of provisions of Regulations, etc.

2. Any provisions of the Order, the Regulations, the Health and Personal Social Services (Services Committee) Regulations (Northern Ireland) 1973, and the Health and Personal Social Services (Charges for Drugs and Appliances) Regulations (Northern Ireland) 1973, affecting the rights, duties and obligations of chemists and the provisions of any scheme made under the Regulations shall be deemed to form part of these terms of service.

Supply of drugs and appliances

3.—(1) (*a*) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by the Agency and signed by a doctor on the medical list or by his deputy or assistant, such drugs or appliances as may be so ordered and shall, so far as practicable, keep in stock for that purpose all those drugs and appliances mentioned in the Drug Tariff for the time being in force as drugs or appliances which a chemist is required to keep.

(*b*) A chemist may, at the request of a doctor licensed under the provisions of the Misuse of Drugs (Notification of and Supply to Addicts) Regulations (Northern Ireland) 1973(w) arrange to supply, in accordance with a special prescription form provided for the purpose by the Agency and signed by the licensed doctor, such drugs or appliances as may be so ordered. If the prescription form includes directions that part of the total supply of drugs ordered thereon shall be supplied on a stated day or days the chemist shall comply with these directions:

Provided that a chemist shall not be in breach of his terms of service; if—

(i) he refuses to enter into an arrangement to supply drugs or appliances under this sub-paragraph; or

(ii) having entered into such an arrangement he gives the licensed doctor seven days notice in writing of his intention to terminate it.

(*c*) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by the Agency and signed by a dentist on the dental list or by his deputy or assistant such drug as may be so ordered.

(*d*) A chemist shall supply in a suitable container properly labelled any drugs which he is required to supply under this paragraph.

(2) Any drug so supplied which is included in the Drug Tariff shall be of a grade or quality not lower than the grade or quality specified therein and any drug not so included shall be of a grade or quality ordinarily used for medical purposes. Each appliance so supplied shall conform to any specification which may, from time to time, be included in the Drug Tariff in respect of that appliance and in the case of trusses, elastic hosiery, suprapubic belts and colostomy belts it shall, unless measurements have been specified by the prescriber, be the duty of the contractor to supply a properly fitting appliance.

(w) S.R. & O. (N.I.) 1973, No 180.

(3) A chemist shall not give, promise or offer to any person requiring pharmaceutical services any gift or reward (whether by way of a share of or a dividend on the profits of the business or by way of discount or rebate or otherwise) as an inducement to or in consideration of his presenting an order for drugs or appliances on a prescription form provided by the Agency.

Places and hours of business

4.—(1) Pharmaceutical services shall be provided at the place or places of business specified in the application made by the chemist for inclusion in the pharmaceutical list and the place or places shall be open for the supply of pharmaceutical services during the hours specified in the scheme to be made by the Board for that purpose under the Regulations. Such services shall not, except with the approval of the Board, be provided in a building in which a doctor provides general medical services.

(2) At each place of business at which a chemist provides pharmaceutical services he is required—

(i) to exhibit a notice on a form approved by the Ministry and available from the Agency, or a form to the like effect;

(ii) in the case of a registered pharmaceutical chemist to exhibit, at times when his place of business is not open and in such a manner as to be visible at such times, a notice to be provided by the Agency indicating the facilities available for securing the dispensing of medicines urgently required.

(3) A chemist shall maintain at his place or places of business proper and sufficient equipment and accommodation for the purpose of dispensing medicines and supplying appliances.

(4) A chemist shall, at any time during which his place of business is open or otherwise accessible for the provision of pharmaceutical services, admit any authorised representative of the Agency being a pharmaceutical chemist, for the purpose of inspecting the dispensing equipment and accommodation and the drugs, and appliances held on the premises.

(5) Notwithstanding the requirements of sub-paragraph (1) a chemist shall not be required to dispense a special prescription completed by a doctor licensed under the provisions of the Misuse of Drugs (Notification of and Supply of Addicts) Regulations (Northern Ireland) 1973 except during such hours as may be agreed by the chemist and the person for whom the prescription is to be dispensed.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act 1956(x) unless he holds a licence for the purpose.

Names of registered pharmaceutical chemists

6. A chemist shall, if so required by the Board, furnish to it the name or names of registered pharmaceutical chemists employed by him in dispensing medicines for persons receiving general medical or general dental services.

Supply of drugs, etc.

7. All drugs, containers and appliances supplied under these terms of service shall be supplied free of any charge except the prescribed charge:

Provided that where a chemist supplies an oxygen container or oxygen equipment, other than equipment specified in the Drug Tariff as not returnable to the chemist, the container and equipment shall remain the property of the chemist who shall have no claim against the Board in the event of the loss of, or damage to, such container or equipment, except as may be provided in the Drug Tariff.

(x) 4 & 5 Eliz. 2. c. 25.

Method of payment

8.—(1) A chemist shall furnish to the Agency or to such other persons or body as it may direct, on dates to be appointed by the Agency, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Agency may direct together with a statement containing such particulars relating to the provision by him of pharmaceutical services as the Agency may from time to time require.

(2) The Agency shall, if any chemist so requires, afford him reasonable facilities for examining all or any of the forms on which the drugs or appliances supplied by him were ordered together with particulars of the amounts calculated to be payable in respect of such drugs and appliances and if he takes objection thereto, the Agency shall take such objection into consideration.

(3) The Agency shall, if so required by the Local Pharmaceutical Committee or by any organisation which is, in the Minister's opinion, representative of the general body of chemists, afford the Local Pharmaceutical Committee or the said organisation similar facilities for examining such forms and particulars relating to all or any of the chemists and shall take into consideration any objection made thereto by the Local Pharmaceutical Committee or the said organisation.

(4) Payment shall be made for drugs and appliances mentioned in the Drug Tariff at the prices specified therein and for drugs and appliances not mentioned in the Drug Tariff in the manner set forth therein subject however in either case to any deduction required to be made by Regulations made under Schedule 15 to the Order. The payment to be made in respect of containers and the hire of oxygen equipment by chemists for the use of patients and by way of dispensing fees shall be calculated in the manner set forth in the Drug Tariff.

(5) The Agency shall, when making payment to a chemist under this paragraph, furnish him with a statement showing the manner of calculation of the payment made.

(6) If the Ministry, after consultation with such organisations as may be recognised by the Minister as representing the pharmaceutical profession and with the Pharmaceutical Committee constituted in accordance with Regulation 35 and Schedule 5, is satisfied at any time that the method of payment provided for in this paragraph is such that undue delay in payment may be caused thereby, it may direct that the amounts to be payable to a chemist shall be calculated by such other method, whether by averaging the amounts payable to a chemist or otherwise, as may appear designed to secure that—

(*a*) payment may be made within a reasonable time, and

(*b*) that payments to a chemist shall, as nearly as may be, remain the same as if the payments had been calculated in accordance with the first mentioned method of payment,

and payments calculated by any such other method shall be deemed for all purposes to be payments made in accordance with these Regulations.

Withdrawal from pharmaceutical list

9. A chemist may at any time give notice to the Board that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Board may agree:

Provided that if representations are made to the Tribunal under the provisions of Schedule 11 to the Order that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Ministry and subject to such conditions as the Ministry may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

Advertising

10.—(1) Except as provided in sub-paragraph (2) a chemist shall not advertise or permit to be advertised either directly or by implication that his name is included in the pharmaceutical list or that he provides or is authorised to provide pharmaceutical services under the Order.

(2) Nothing in this paragraph shall prohibit the display at or on any premises at which a chemist carries on his business of a notice provided for the purpose by the Agency.

(3) For the purposes of this paragraph the expression "advertise" includes—

(*a*) the issue of circular letters;

(*b*) the use of letter headings, bill or account headings, business cards and the like;

(*c*) the publication of booklets, leaflets and pamphlets;

(*d*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;

(*e*) canvassing in any form;

(*f*) the making of any public announcement by radio, television, gramophone records, public address system or other means;

(*g*) the display of any poster, placard, streamer or sign;

(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

SCHEDULE 5 Regulations 5 and 35

Constitution of the Medical and Pharmaceutical Committees

Medical Committee

1.—(i) The Medical Committee constituted by the Agency after consultation with the Boards and such organisations as appear to it to be representative of the medical profession and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

(ii) The chairman shall be the medical practitioner member of the Agency.

(iii) The term of office of members shall be determined by the Agency.

(iv) Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency after consultation with the organisations or bodies referred to in sub-paragraph (i) and if necessary with the Medical Committee and any person so appointed shall hold office for the remainder of the term of office of the former member.

(v) A member of the Medical Committee may resign his membership by giving to the Agency notice in writing signed by him.

(vi) Where a member—

(*a*) is absent from the meetings of the Medical Committee for more than six months consecutively (except for a reason approved by the Agency); or

(*b*) has become bankrupt or has made a composition with his creditors; or

(*c*) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify that fact in such manner as it thinks fit and thereupon the office shall become vacant.

Pharmaceutical Committee

2.—(i) The Pharmaceutical Committee constituted by the Agency after consultation with the Boards and such organisations as appear to it to be representative of the pharmaceutical profession and such other bodies as appear to it to be concerned, shall consist of a chairman and such number of other members as the Agency thinks fit.

(ii) The chairman shall be the pharmaceutical member of the Agency.

(iii) The term of office of members shall be determined by the Agency.

(iv) Where the place of a member becomes vacant before the expiration of his term of office whether by death, resignation or otherwise, the vacancy shall be filled by the Agency after consultation with the organisations or bodies referred to in sub-paragraph (i) and if necessary with the Pharmaceutical Committee and any person so appointed shall hold office for the remainder of the term of office of the former member.

(v) A member of the Pharmaceutical Committee may resign his membership by giving to the Agency notice of such in writing signed by him.

(vi) Where a member—

(*a*) is absent from the meetings of the Pharmaceutical Committee for more than six months consecutively (except for a reason approved by the Agency); or

(*b*) has become bankrupt or has made a composition with his creditors; or

(*c*) is convicted of an indictable offence;

the Agency shall forthwith by resolution, declare the office to be vacant and shall notify the fact in such a manner as it thinks fit and thereupon the office shall become vacant.

General

3. Where a person who provides any medical, pharmaceutical or other professional services under the Order is a member of either Committee he may vote upon any matter which touches the interests of members of his profession (himself included) but shall not vote upon any matter touching only his individual professional interests.

4. The proceedings of either Committee shall not be invalidated by any vacancy in the memership of the Committees or by any defect in the appointment of their members.

5. A member of either Committee who is appointed on the nomination of a Board shall if he is a member of that Board, cease to be a member of such Committee if he ceases to be a member of that Board.

SCHEDULE 6 Regulation 44

Regulations revoked

Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956(**y**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1957(**z**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) (No. 2) Regulations (Northern Ireland) 1957(**aa**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1958(**bb**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) (No. 2) Regulations (Northern Ireland) 1958(**cc**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1959(**dd**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1960(**ee**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1961(**ff**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1963(**gg**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1966(**hh**)

Health Services (Maternity Medical Services) Regulations (Northern Ireland) 1966(**ii**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1968(**jj**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1969(**kk**)

Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (Northern Ireland) 1973(**ll**)

(**y**) S.R. & O. (N.I.) 1956, No. 150.
(**z**) S.R. & O. (N.I.) 1957, No. 145.
(**aa**) S.R. & O. (N.I.) 1957, No. 200.
(**bb**) S.R. & O. (N.I.) 1958, No. 36.
(**cc**)S.R. & O. (N.I.) 1958, No. 201.
(**dd**) S.R. & O. (N.I.) 1959, No. 33.
(**ee**) S.R. & O. (N.I.) 1960, No. 29.
(**ff**) S.R. & O. (N.I.) 1961, No. 64.
(**gg**) S.R. & O. (N.I.) 1963, No. 245.
(**hh**) S.R. & O. (N.I.) 1966, No. 231.
(**ii**) S.R. & O. (N.I.) 1966, No. 251.
(**jj**) S.R. & O. (N.I.) 1968, No. 98.
(**kk**) S.R. & O. (N.I.) 1969, No. 131.
(**ll**) S.R. & O. (N.I.) 1973, No. 259

EXPLANATORY NOTE

(This note is not part of the Regulations, but is intended to indicate their general purport.)

These Regulations consolidate with minor amendments the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland) 1956 (as amended), and now include the Health Services (Maternity Medical Services) Regulations (Northern Ireland) 1966.