9. GENERAL MEDICAL AND PHARMACEUTICAL SERVICES

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948

1948 No. 1258 (S. 95)

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In exercise of the powers conferred on me by sections 33, 34, 35, 36, 40, 41, 46 and 72 of and the Seventh Schedule to the National Health Service (Scotland) Act, 1947, and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

General

Short title and commencement.

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, and shall come into operation on the 21st day of June, 1948.

Interpretation.

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

" the Act " means the National Health Service (Scotland) Act, 1947;

" assistant " means a medical practitioner who acts as an assistant to a medical practitioner;

" Council " means the Executive Council constituted for any area;

" drugs " includes medicines and such chemical re-agents as are or may be prescribed;

" maternity medical services " means the provision of personal medical services during and following pregnancy and labour in respect of all conditions arising therefrom by a medical practitioner who has undertaken to provide such services;

" medical card " means a card issued to a person, in a form approved by the Secretary of State, for the purpose of enabling him to obtain or establishing his title to receive general medical services other than maternity medical services from a medical practitioner, and shall include any similar card provided for a similar purpose under the National Health Insurance (Medical Benefit) Regulations (Scotland), 1938(a);

" medical officer " means any medical officer appointed by the Secretary of State for a district in which general medical services are provided;

" the Medical Practices Committee " means the Scottish Medical Practices Committee;

" practitioner " means a registered medical practitioner;

" treatment " means medical attendance and treatment and includes the issue of medical certificates under, or for the purposes of, any enactment, and the keeping and forwarding of any records, and the furnishing of any information in accordance with the terms of service set out in Part I of the First Schedule to these regulations, but does not include maternity medical services unless the practitioner has by arrangement undertaken to provide such services for the person concerned.

(2) In these regulations the expression " chemist " means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, who provides pharmaceutical services, and the regulations shall also apply (except so far as the context may otherwise require) to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined. 23 & 24 Geo. 5. c. 25.

(3) The Interpretation Act, 1889, applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63.

Part II

Medical Practitioners

3. The arrangements which a Council is required by section 34 of the Act to make with practitioners for the provision of personal medical services shall incorporate the terms of service contained or referred to in Part I of the First Schedule to these regulations. Terms of service for practitioners.

4.—(1) The Council shall prepare a list, to be called " the medical list ", of the practitioners who are entitled to be included in the list. Medical list.

(2) The medical list shall include in a separate part the names of practitioners who have undertaken to provide maternity medical services and shall show, by a distinguishing mark or otherwise, which of them are included in the list for the purpose of providing maternity medical services only.

(3) The medical list shall contain, in addition to the names of practitioners—

(*a*) the private address and the address of any surgery, health centre or other place, at which the practitioner undertakes to attend for the purpose of treating persons receiving general medical services;

(a) S.R. & O. 1938 (No. 609) II, p. 2379.

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

(*c*) where two or more practitioners practise in partnership, particulars of the partnership;

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

(*e*) any conditions as to the area of practice attached to the granting of an application by the Medical Practices Committee or, on appeal, by the Secretary of State;

and may, if the Council think fit, be so arranged as to show the part of the area in which each practitioner will provide treatment.

(4) Copies of the medical list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up to date.

(5) The Council shall send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the Local Medical Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Council shall also send a copy of the list to each local health authority in their area, the Regional Hospital Board, the Board of Management of each hospital or group of hospitals serving their area, and to any person under contract with the Council to provide pharmaceutical services, and at intervals of not more than three months shall notify them of any alteration made in the medical list: Provided that in the case of persons providing pharmaceutical services and Boards of Management of hospitals the Council may send to them the portions of the list which appear to the Council to concern them.

Application for inclusion in a medical list.

5.—(1) Application by a practitioner for inclusion in a medical list shall be made by delivering or sending by post to the Council an application in the form set out in Part III of the First Schedule to these regulations, or in a form to the like effect.

(2) On receipt of an application from a practitioner, other than a practitioner entitled to inclusion by virtue of sub-section (1) of section 35 of the Act, for inclusion in the medical list, the Council shall transmit the application to the Medical Practices Committee, together with a report in a form approved by the Committee.

Reports by Council to Medical Practices Committee.

6.—(1) Every Council, not later than the 31st December, 1948, and thereafter once in every year or at such more frequent intervals as the Medical Practices Committee may require, shall furnish the Committee with such information as may be required by the Committee to enable them to judge the adequacy of the medical services in the area of the Council or any part thereof.

(2) On receipt of notice of the death of a practitioner or on the withdrawal or removal of the name of a practitioner from the medical list the Council shall forthwith inform the Medical Practices Committee and shall furnish to that Committee a report as to the need for filling the vacancy.

Advertisement of vacancies.

7. A Council may give public notice of any vacancy for a practitioner in their area by advertisement in the press or otherwise.

PART III

Scottish Medical Practices Committee

Appointment of members and tenure and vacation of office.

8.—(1) The following provisions shall apply to the members of the Scottish Medical Practices Committee (in this part of these regulations referred to as " the Committee ").

(2) (*a*) The first chairman of the Committee shall be appointed for a period ending on the 31st day of March, 1951.

(*b*) Of the five original members, other than the chairman, two shall be appointed for a period ending on the 31st day of March, 1950, one for a period ending on the 31st day of March, 1951, and the remainder for a period ending on the 31st day of March, 1952.

(*c*) Subject as herein provided members shall be appointed for a period of three years expiring on the 31st day of March in any year.

(*d*) A member may be re-appointed to the Committee on the expiration of his term of office.

(*e*) A member may resign from the Committee by giving notice in writing to the Secretary of State: Provided that a member who is appointed as being a person actively engaged in medical practice shall be deemed to have resigned if he ceases to be so engaged.

(*f*) A person appointed to fill a casual vacancy shall hold office for the remainder of the period for which his predecessor was appointed.

Procedure for the determination of applications.

9.—(1) Subject to the next following paragraph a decision of the Committee to grant an application for inclusion in the list on the ground that the number of practitioners undertaking to provide general medical services in the area or part of an area is not already adequate shall be given in such manner as the Committee may determine.

(2) Subject to paragraph (4) of this regulation any decision of the Committee involving the refusal of an application or the granting of an application subject to conditions, shall be the decision of the majority of members present and voting at a meeting of the Committee and the Committee shall inform the applicant of his right of appeal to the Secretary of State.

(3) If the Committee are of opinion that one or more practitioners are required for the area or part of the area concerned and the number of applicants exceeds the number of practitioners required they shall—

(*a*) consider the views expressed by the Council with respect to the applications;

(*b*) if they think fit give to the applicants or any of them the opportunity to attend before them and make representations in person or to make written representations;

(*c*) select the applicant or applicants whose applications are to be granted and forthwith inform them, the Council and the Secretary of State of their decision; and

(*d*) inform any practitioner whose application is refused or granted subject to conditions of his right of appeal to the Secretary of State.

(4) Three members shall form a quorum and in the case of equality of votes the chairman shall have a second or casting vote.

Appeal to the Secretary of State.

10.—(1) A practitioner may appeal to the Secretary of State against the refusal of an application for inclusion in the medical list or the granting of such application subject to conditions by sending to the Secretary of State notice of appeal within seven days, or such longer period as the Secretary of State may allow, from the date on which the notice of the decision of the Committee is given to him.

(2) The appellant shall furnish within such period as the Secretary of State may allow a concise statement of the facts and contentions upon which he intends to rely.

(3) If it appears to the Secretary of State that the appeal is of such a nature that it can properly be determined without a hearing he may dispense with a hearing and determine the appeal summarily and shall communicate his decision to the appellant, the Committee and the Council.

(4) If the Secretary of State is of opinion that a hearing is required, he shall appoint one or more persons to hear the appeal.

(5) A hearing shall take place at such time and place as the Secretary of State may direct and notice of the hearing shall be sent by post to the appellant, the Committee, the Council and any practitioner whose application for appointment to the vacancy to which the application relates was granted, not less than seven 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 Committee and the Council may be represented at the hearing by any duly authorised member or officer or by counsel or solicitor.

(7) Subject to the provisions of this regulation the procedure at the 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 Secretary of State after taking such report into consideration shall give his decision and communicate it to the appellant, the Committee, the Council and such practitioners as have under the foregoing provisions of this regulation been served with notice of the hearing.

Certificate that transaction does not involve sale of goodwill.

11. A certificate issued by the Committee under section 36 (9) of the Act shall be in the form set out in the Second Schedule to these regulations or in a form to the like effect.

PART IV

General Medical Services other than Maternity Medical Services

Selection of practitioner.

12.—(1) Application by a person to a practitioner for acceptance and inclusion in his list shall be made in writing either on the person's medical card or on a form of application supplied by the Council: Provided that any person entitled immediately before the appointed day to medical benefit under the National Health Insurance Acts, 1936 to 1941, and then included in the list of a practitioner who as from the appointed day provides general medical services (not being a practitioner

26 Geo. 5. & 1 Edw. 8. c. 32; 4 & 5 Geo. 6. c. 39.

who provides maternity medical services only) shall be deemed to be included in the list of that practitioner under these regulations unless and until he has chosen another practitioner or given notice in writing to the Council of his desire not to be so included.

(2) Application by a person to a practitioner for acceptance as a temporary resident shall be made in writing on a form supplied by the Council.

Allocation scheme.

13.—(1) The Council after consultation with the Local Medical Committee shall prepare a scheme (hereinafter referred to as " the allocation scheme ") which shall provide for the following matters:—

(*a*) the constitution of a committee of the Council (hereinafter referred to as " the allocation committee ") consisting of equal numbers of persons appointed by the Council and the Local Medical Committee respectively and of a chairman, and the assignment to such committee or to a member or members thereof of such powers and duties relating to the administration of the scheme as may be specified therein;

(*b*) the steps to be taken by a practitioner to enable a person, who has applied for and been refused acceptance by him, to be accepted by or assigned to a practitioner;

(*c*) the provision of any treatment required by the person pending such acceptance or assignment;

(*d*) the period within which notice of acceptance of a person is to be given to the Council by any practitioner;

(*e*) the assignment to a practitioner of any person who applies for assignment;

(*f*) the provision by a practitioner of emergency treatment in cases where neither the practitioner normally responsible for providing treatment nor his deputy is available and where such treatment is immediately necessary owing to an accident or other emergency;

(*g*) the restrictions, if any, to be imposed on the right of a practitioner to require the removal of a person from his list where the removal would be likely to involve hardship owing to the state of that person's health;

(*h*) such incidental or consequential provisions as may be deemed necessary.

(2) The allocation scheme shall also provide for a limit to be placed on the number of persons who may be placed on the list of a practitioner and, except in cases in which owing to special circumstances the Council with the approval of the Secretary of State otherwise permit, the scheme shall not permit the following maximum numbers to be exceeded, namely:—

(*a*) in the case of a practitioner carrying on practice otherwise than as an assistant or in partnership 4,000;

(*b*) in the case of two or more practitioners carrying on practice in partnership 5,000 on the list of any partner and an average of 4,000 on the list of both or all the partners.

(3) Where a practitioner or a partnership of practitioners employs permanently one or more assistants, the number of persons for whose

treatment the practitioner or practitioners may be responsible may be increased to an extent allowed by the scheme, not exceeding 2,400 in respect of each such assistant.

(4) The allocation scheme shall also provide for enabling a practitioner the number of persons on whose list exceeds the limit to make arrangements within a specified period for bringing the number within the limit, either by reducing the number of persons on his list or by employing an assistant or otherwise, and may include provision for securing the necessary consultations and co-ordination in this respect between the Council and Councils in adjoining areas.

(5) The allocation scheme may also provide for the application with the necessary modifications of the provisions of regulation 14 (2) of these regulations to the case of—

(*a*) a practitioner whose name is included in the medical list in respect of more than one address and who ceases to practise at one of such addresses;

(*b*) a practitioner who on ceasing to employ a permanent assistant reduces the number of persons on his list; and

(*c*) a practitioner who on entering into partnership with another practitioner reduces the number of persons on his list.

(6) In the event of the Council and Local Medical Committee failing to agree on any provision of the allocation scheme the matter shall be referred to the Secretary of State, whose determination shall be final.

(7) The provisions of the allocation scheme shall be subject to the approval of the Secretary of State.

(8) The Council after consultation with the Local Medical Committee may amend the allocation scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State who may amend the allocation scheme.

(9) If the Council fail to submit an allocation scheme to the Secretary of State within such time as he may direct, the Secretary of State may make a scheme, and such scheme shall have effect within the area of the Council as though it had been prepared by the Council and approved by the Secretary of State.

Change of practitioner.

14.—(1) A person may at any time make application for acceptance by a practitioner, notwithstanding that he is at the date of application included in the list of another practitioner, and if accepted he shall forthwith be entitled to obtain treatment from the practitioner to whom application has been made.

(2) On the death or removal or withdrawal from the medical list of a practitioner the Council shall make known the fact by a public notice in the local press or otherwise, or by individual notices sent to the persons on the list of the practitioner, or by any or all of these methods as the Council may decide, having regard to the circumstances of the case. The notices shall also include the following particulars:—

(*a*) A statement of the right of each such person to apply to another practitioner for acceptance;

(*b*) if the Council after consultation with the Local Medical Committee are of opinion that one or more practitioners should be regarded as succeeding in whole or in part to the practice of the practitioner, a statement of the name and address of the successor in whose list it is

considered that the persons in question, or any section of them, may wish to be included, together with an intimation that such successor is willing to accept the persons concerned for treatment, and that they will be deemed to be included in his list as from the date of the notice, unless and until they have applied to and have been accepted by other practitioners, or have given notice in writing to the Council of their desire not to be so included,

and in such a case the said persons shall be deemed to be included in the list of the successor accordingly.

(3) The terms of notices given under this regulation shall be determined by the Council after consultation with the Local Medical Committee.

Temporary arrangements for practice on retirement, death, etc.

15.—(1) Where the name of a practitioner ceases to be included in the medical list, the Council may, in consultation with the Local Medical Committee, make temporary arrangements for the treatment of the persons for whose treatment the practitioner was or might have become responsible, including arrangements for the appointment of one or more practitioners to undertake the treatment of such persons and for the accommodation and other needs of any practitioner so appointed: Provided that where the name of a practitioner has ceased to be included in the medical list in consequence of his decease, and any person within seven days of the date of death makes application to the Council on behalf of the estate of the deceased practitioner and the Council are satisfied that he is acting in the interests of the estate, they may, instead of themselves making an appointment under this paragraph, authorise such person to do so, and any practitioner thus appointed shall be regarded as if he had been appointed a deputy of the practitioner who is deceased.

(2) An appointment of any practitioner under this regulation shall be for such period as the Council think fit, not exceeding, except in special circumstances, two months, and shall be subject to the condition that the practitioner agrees in writing to be bound by the terms of service which were applicable to the practitioner whose name has ceased to be included in the medical list. During the period of any such appointment the name of any person who has not applied to and been accepted by another practitioner shall be deemed to remain on the list of the practitioner whose name has ceased to be included in the medical list.

Removal of person from practitioner's list.

16. A person whose name is included in the list of a practitioner and who no longer wishes to avail himself of general medical services may at any time give notice to the Council that he wishes his name to be removed from that list, and at the expiration of fourteen days from the date of the receipt of the notice the Council shall remove the name and inform the person and the practitioner.

Temporary residents.

17.—(1) A person who is residing temporarily in any district and is not on the list of a practitioner providing general medical services in that district may apply to any practitioner to be accepted by him as a temporary resident. In such a case his name shall not be removed from the list of any practitioner in which it is already included.

(2) A person moving from place to place who is for the time being not resident in any place may apply to any practitioner to be accepted by him as a temporary resident.

(3) For the purpose of this regulation the residence of a person shall be deemed to be temporary if at the time of his arrival in a district he intends to remain there for a period of not more than three months: Provided that if his stay extends to more than three months his residence shall at the end of that period cease to be regarded as temporary.

Practitioners' lists.

18.—(1) The Council shall prepare and keep revised up to date a list of persons for whose treatment each practitioner is for the time being responsible and shall from time to time furnish the practitioner with information with regard to persons added to or deleted from the list.

(2) Any deletion otherwise than by reason of death shall take effect as from the date on which notice of the deletion is sent by the Council to the practitioner or from such other date, not being earlier than that date, as may be specified in the notice. Any deletion by reason of death shall take effect as from the date on which the person died.

PART V

Maternity Medical Services

Application for services.

19. A person, who after diagnosis of pregnancy by a medical practitioner desires the provision of maternity medical services, may arrange for the provision of such services either—

(*a*) with the practitioner in whose list her name is included, if he has undertaken to provide maternity medical services; or

(*b*) with any other practitioner on the medical list who has undertaken to provide maternity medical services.

Change of practitioner.

20.—(1) If a practitioner ceases to provide maternity medical services he shall inform any person for whom he has arranged to provide such services of the fact and of her right to make fresh arrangements with another practitioner who has undertaken to provide such services.

(2) A practitioner who has arranged to provide maternity medical services for any person may agree with that person to terminate the arrangements. Such person may then make fresh arrangements with another practitioner who has undertaken to provide maternity medical services.

(3) If for any reason a practitioner who has arranged to provide maternity medical services for any person or the person concerned desires to terminate the arrangements, either of them may, in default of agreement, apply to the Council for permission to terminate the arrangements. After hearing such representations as the practitioner and the person concerned may make, the Council may terminate the arrangements and give notice to such person of her right to make fresh arrangements.

Temporary residents.

21. A person who is residing temporarily in any district may arrange with a practitioner for the provision by him of maternity medical services during her period of temporary residence, without prejudice to her right to obtain such services in any other area in which she may become resident.

PART VI

Pharmaceutical Services

Terms of service for chemists.

22. The arrangements which a Council are required by section 40 of the Act to make for the supply of drugs and medicines and prescribed appliances to persons receiving general medical services, and of prescribed drugs and medicines to persons receiving general dental services, shall incorporate the terms of service contained or referred to in Part I of the Fourth Schedule to these regulations.

Pharmaceutical list.

23.—(1) The Council shall prepare a list, to be called " the pharmaceutical list ", of the names and places of business of the persons, firms and bodies corporate who are entitled to be included in the list. The list shall indicate the nature of the services to be provided in each case and the days and hours during which the several places of business are open. The particulars relating to persons, firms and bodies corporate who are entitled to dispense medicines shall be shown in a separate part of the list.

(2) Application for inclusion in a pharmaceutical list shall be made by delivering or sending by post to the Council an application in the form set out in Part II or Part III of the Fourth Schedule to these regulations, or in a form to the like effect.

(3) Copies of the pharmaceutical list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up to date.

(4) The Council shall send a copy of the pharmaceutical list to the Secretary of State, the Local Medical Committee, the Local Dental Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Council shall also send to each practitioner providing general medical services and to each dental practitioner providing general dental services a copy either of the list, or of such portion thereof as appears to the Council to concern them, and at intervals of not more than three months shall notify them of any alterations.

Schemes for securing proper pharmaceutical service.

24.—(1) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for testing the quality and amounts of drugs and appliances supplied. The minimum number of tests to be made annually shall be specified in the scheme.

(2) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for securing that one or more places of business on the pharmaceutical list in each district shall at all reasonable times be open. The scheme shall specify the days and hours during which such places shall be open, and the arrangements for the dispensing of medicines required urgently at other times.

(3) The provisions of the said schemes shall be subject to the approval of the Secretary of State.

(4) In the event of the Council and the Local Pharmaceutical Committee failing to agree on any provision of a scheme, the matter shall be referred to the Secretary of State, whose determination shall be final.

(5) The Council after consultation with the Local Pharmaceutical Committee may amend a scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State, who may amend the scheme.

Prescribed appliances and re-agents.

25.—(1) The appliances to be supplied to persons receiving general medical services shall be the appliances specified in Part I of the Third Schedule to these regulations.

(2) The chemical re-agents to be supplied to persons receiving general medical services shall be those specified in Part II of the Third Schedule to these regulations.

Arrangements for supply by practitioners of drugs and appliances.

26.—(1) Where the Council after consultation with the Local Pharmaceutical Committee are satisfied that a person, by reason of distance or inadequacy of means of communication or other exceptional circumstances, will have serious difficulty in obtaining from a chemist any drugs or appliances required for his treatment under these regulations, the Council shall require the practitioner who is responsible for the treatment of the person to supply such drugs and appliances to that person until further notice: Provided that where the drug or appliance is one for which the practitioner is entitled to receive special payment if he supplies it he may, with the patient's consent, instead of supplying the drug or appliance himself, issue a prescription for it.

(2) Notwithstanding anything contained in this regulation—

(*a*) a practitioner shall not be required to undertake the supply of drugs and appliances under this regulation if he satisfies the Council, or, on appeal, the Secretary of State, that he is not in the habit of dispensing drugs for his patients; and

(*b*) a practitioner shall be entitled to receive reasonable notice from the Council that he is required to undertake the supply of drugs and appliances or that such supply is to be discontinued.

PART VII

Remuneration and Payments

Remuneration of practitioners under distribution scheme.

27.—(1) The sum credited in respect of any year to a Council under regulations made by the Secretary of State for such payments by way of remuneration and allowances to practitioners as are referred to in paragraph 1 of Part II of the First Schedule to these regulations shall be distributed by the Council in accordance with a scheme made by them (hereinafter referred to as " the distribution scheme "), which shall deal also with the other matters referred to in paragraph 2 of the said Part.

(2) The distribution scheme shall be prepared by the Council after consultation with the Local Medical Committee, and in the event of the Council and the Committee failing to agree on any provision of the scheme the matter shall be referred to the Secretary of State, whose determination shall be final.

(3) The provisions of the distribution scheme shall be subject to the approval of the Secretary of State.

(4) The Council after consultation with the Local Medical Committee may amend the distribution scheme, subject to the approval of the Secretary of State. If the Council and the Local Medical Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State, who may amend the distribution scheme.

(5) If the Council fail to submit a distribution scheme to the Secretary of State within such time as he may direct, the Secretary of State may make a scheme and such scheme shall have effect within the area of the Council as though it had been prepared by the Council and approved by the Secretary of State.

Other remuneration of practitioners.

28. Practitioners providing general medical services shall be entitled, in addition to any payments made under the distribution scheme, to receive from the Council payments in respect of the matters specified in paragraph 3 of Part II of the First Schedule to these regulations at

such rates and subject to such conditions as the Secretary of State may determine after consultation with such organizations as he may recognise as representative of the medical profession.

Payments to chemists and standards of drugs and appliances.

29. The Secretary of State shall, after consultation with an organization which is in his opinion representative of the general body of chemists, 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 specified drugs (being drugs commonly prescribed) and appliances is to be calculated;

(*b*) the method of calculating the payment for drugs not specified in the drug tariff;

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

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

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

The prices referred to in paragraph (*a*) of this regulation may be fixed prices or may be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost price of drugs and appliances.

PART VIII

Miscellaneous

Publication of particulars of arrangements.

30. The Council shall cause to be published in such manner as appears to them best calculated to inform all persons interested particulars of the arrangements made by the Council, including a statement of the places where copies of the terms of service for practitioners and chemists and copies of the medical list and of the pharmaceutical list may be seen and where any forms of application are available and any other particulars which the Council think proper.

Exercise of choice of practitioner in certain cases.

31. The right to choose the practitioner by whom general medical services are to be provided shall be exercised—

(*a*) on behalf of any child under the age of sixteen by the mother, or in her absence the father, 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 sickness or other infirmity, is incapable of exercising the right to choose, by a relative or any person who has the care of such person.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
12th June, 1948.

FIRST SCHEDULE

PART I

Terms of Service for Medical Practitioners

Interpretation

1. In these terms of service, unless the context otherwise requires, " patient " means a person for whose treatment a practitioner is responsible under paragraph 3 of these terms of service and " the regulations " means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, and other words and expressions have the same meaning as in the regulations.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, affecting the rights and obligations of medical practitioners and the provisions of any allocation or distribution scheme made under the regulations and in force in the area, shall be deemed to form part of these terms of service.

Persons for whose treatment the practitioner is responsible

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

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

(*b*) all persons whom he has accepted or agreed to accept as temporary residents;

(*c*) all persons who have been assigned to him in accordance with the allocation scheme and who have not been notified to him by the Council as having ceased to be on his list;

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

(*e*) all persons to whom the practitioner is required to give necessary treatment under paragraph 5 of these terms of service.

(2) A practitioner shall be responsible for the provision of maternity medical services for all persons for whom he has undertaken to provide such services.

(3) A practitioner who has been appointed under regulation 15 of the regulations to undertake the treatment of persons on the list of a practitioner whose name has ceased to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of all such persons.

(4) Notwithstanding anything contained in this paragraph, a practitioner shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment by the staff of the hospital.

(5) A practitioner shall indicate his acceptance of an applicant by signing either his medical card, or a form of application for acceptance which has been duly completed by the applicant or on his behalf, and sending the card or form to the Council within such period as may be specified in the allocation scheme. Where a partner, assistant or deputy, duly authorised for the purpose, signs on behalf of the practitioner he shall indicate accordingly, stating the practitioner's name as well as his own.

Right of practitioner to have patient removed from his list

4. Subject to such restrictions, if any, as may be imposed by the allocation scheme, a practitioner is entitled to have the name of any person on his list removed therefrom by giving notice at any time to the Council, and at the expiration of seven days from the receipt of such notice by the Council the name of the person shall be removed from the practitioner's list.

Evidence of person's title to obtain treatment

5.—(1) A practitioner is entitled to require a person claiming to be on his list and applying for treatment regarding whose identity he has reasonable doubts to produce his medical card.

(2)—(*a*) If such person fails on request to produce his medical card, the practitioner 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 practitioner may charge the applicant a reasonable fee for any treatment given, including any drugs or appliances supplied, provided that he renders the applicant an account, or gives him a receipt for the fee. The practitioner may order any drug or prescribed appliance required for the treatment of the applicant in the same way as for a person on his list.

(*b*) If the applicant applies to the Council within fourteen days after receiving the account or paying the fee, as the case may be, (or within such longer period not exceeding one month as may be allowed by the Council if they are satisfied that the failure to make application within the period of fourteen days was occasioned by some reasonable cause), and the Council are satisfied that he was on the practitioner's list, the Council may require the practitioner to withdraw his account, or, if the fee has been paid, may recover the fee from the practitioner by deduction from his remuneration or otherwise and repay it to the applicant. If the practitioner 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 Council, the Council shall credit him with the payment to which he would have been so entitled.

Range of Service

6.—(1) A practitioner is required to render to his patients all proper and necessary treatment. Such treatment includes the administration of anaesthetics or the rendering of any other assistance at an operation performed by and of the kind usually performed by a general medical practitioner if the administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess. Subject to sub-paragraph (3) of this paragraph, 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 practitioner providing maternity medical services;

(*c*) maternity medical services, unless the practitioner 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 " includes all treatment (other than services which involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to

possess) required during and following pregnancy and labour in respect of all conditions arising therefrom, and in particular the following services, namely—

(*a*) *Ante-natal services.*—Medical and obstetric examination of the patient as soon as possible after the practitioner's engagement to attend the case, such examination to be made not later than the sixth month of pregnancy if he has been engaged by that time; and such further examinations as the condition of the patient requires, including an examination at the thirty-sixth week of pregnancy and an examination at the thirty-eighth week of pregnancy.

(*b*) *Services during confinement and the lying-in period*—

(i) Attendance as soon as the practitioner thinks necessary after the commencement of labour, and, either continuously or at such intervals as he deems necessary, during labour, unless he is of opinion that his attendance is not required.

(ii) Attendance within twelve hours after the completion of labour, or as soon thereafter as practicable, and, as often as he considers necessary, throughout a lying-in period of fourteen days.

(iii) Attendance at any time when summoned by the midwife attending the case.

(*c*) *Post-puerperal services.*—Medical and pelvic examination of the patient at or about six weeks after confinement.

The practitioner providing the maternity medical services shall, if the person receiving the services is included in the list of another practitioner, comply with any request made by that other practitioner to examine or give any other assistance to that person and her child, if and so far as the practitioner providing the services considers that it is necessary and appropriate that he should do so.

The practitioner providing the service shall also, subject always to paragraph 3 (4) of these terms of service, administer an anaesthetic or render other assistance, as required, in connection with any service or operation performed by another practitioner as part of the hospital and specialist services, if the administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

Nothing in this sub-paragraph shall affect the responsibility of the practitioner on whose list the name of the person receiving maternity medical services is included for the provision of treatment necessary for her general health.

(3) In case of emergency the practitioner is required to render whatever services are, having regard to 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 general practitioners practising in the area in which the question arose.

Duties of practitioner

Reference to hospital and specialist services, or local health authority services or maternity medical services.

7.—(1) If the condition of a patient is such as to require treatment which is not within the scope of the practitioner's obligations under these terms of service, but such treatment is to the knowledge of the practitioner available as part of the hospital and specialist services, the practitioner shall inform the patient of the fact and if the patient so wishes the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a patient to the hospital and specialist services the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards. The practitioner shall also give his patients

such advice or assistance as he may consider appropriate to enable them to take advantage of the local health authority services and maternity medical services.

Supplementary ophthalmic services.

(2) If the condition of a patient is such as to require supplementary ophthalmic services, the practitioner shall if so desired furnish him with a recommendation for such services on a form provided by the Council for the purpose.

Consulting hours.

(3) A practitioner is required to attend and treat at the places, on the days and at the hours to be arranged to the satisfaction of the Council, any patient who attends there for that purpose, but he may, with the consent of the Council or, on appeal of the Secretary of State, alter the places, days or hours of his attendance and shall in that event take such steps as the Council consider necessary to bring the alteration to the notice of his patients.

Consulting rooms.

(4) A practitioner is required to provide proper and sufficient consulting and waiting room accommodation for his patients, having regard to the circumstances of his practice, and such accommodation shall not, except with the consent of the Council, or, on appeal, of the Secretary of State, be in premises occupied by a chemist.

Inspection of consulting and waiting room accommodation.

(5) The practitioner shall at all reasonable times admit any member or officer of the Council or the Local Medical Committee authorised for the purpose by the Council, to any consulting or waiting room of the practitioner for the purpose of inspecting the said consulting or waiting room, provided that on each occasion a prior request in writing has been made to him.

Visiting.

(6) A practitioner is required to visit and treat a patient whose condition so requires at any place where under the terms of his application for inclusion in the medical list he is under an obligation to visit such patient.

Medical Certificates.

(7) A practitioner is required to issue to his patients or their representatives free of charge any certificates reasonably required by them under or for the purposes of any enactment and any certificate which a practitioner is required to issue for the purposes of the National Insurance Acts, 1946, shall be issued in accordance with any regulations made under those Acts.

Anaesthetics.

(8)—(*a*) A practitioner, except when providing maternity medical services, is responsible for providing the services of another practitioner for the administration of an anaesthetic, when necessary, in connection with any service or 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 general practitioners as a class cannot reasonably be expected to possess.

(*b*) A practitioner providing maternity medical services is responsible for providing the services of another practitioner for the administration of an anaesthetic when necessary in connection with any operation performed by him on his patient and undertaken by him under these terms of service.

Duty to supply drugs and appliances.

(9)—(*a*) A practitioner 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 practitioner may supply any other drug which is administered by him in person.

(*c*) A practitioner shall supply all requisite drugs and prescribed appliances to any patient to whom the Council have required him to supply drugs and appliances under regulation 26 of the regulations.

(*d*) A practitioner shall comply with any arrangements made by the Secretary of State, or made by the Council after consultation with the Local Medical Committee and the Local Pharmaceutical Committee and approved by the Secretary of State, under which he may obtain and have available any drugs or appliances which he is required or entitled to supply in terms of this paragraph.

(*e*) A drug supplied by a practitioner unless administered in person shall be supplied in a suitable container.

Duty to prescribe.

(10) A practitioner is required to order, by completing a form provided by the Council for the purpose, such drugs and prescribed appliances (other than those which he supplies under the preceding sub-paragraph) as are requisite for any treatment given to a patient under these terms of service. The order shall be signed by the practitioner 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 and, in the case of an appliance which requires to be of a size suitable for the individual patient, shall include the necessary measurements. The forms provided by the Council shall not be used for persons other than patients for whose treatment the practitioner is responsible under these terms of service, and a separate form shall be used for each patient.

Prohibition of "Rep. Mist."

Prescriptions for tests.

(11) A practitioner shall comply with any reasonable request by the Council to furnish orders on a form provided by the Council for drugs and prescribed appliances for the purposes of any scheme for testing drugs and appliances made under the regulations.

Records

(12) A practitioner is required—

(*a*) to keep records of the illnesses of his patients and of his treatment of them in such form as the Secretary of State may from time to time determine after consultation with an organisation which is in his opinion representative of the general body of medical practitioners;

(*b*) to forward such records to the Council when called for, with reasonable promptness; and

(*c*) upon knowledge of the death of a person on his list, to forward such record to the Council within seven days:

Provided that the records to be kept by a practitioner providing maternity medical services shall contain such particulars, including particulars of the services rendered by the practitioner, as may be determined by the Secretary of State after consultation as aforesaid.

Consultation, etc., with medical officer.

(13) A practitioner is required—

(*a*) to furnish in writing to the medical officer within such reasonable period as the latter may specify any information which he may require with regard to the case of any patient to whom the practitioner has issued or declined to issue a medical certificate;

(*b*) to meet the medical officer, at his request, for the purpose of examining in consultation any patient in respect of whom the practitioner has sought the advice of the medical officer; and

(*c*) to make available to the medical officer, upon notice being given, the records kept by the practitioner under these terms of service, and to furnish to the medical officer any information desired by him with regard to any entry therein, or with regard to any prescription or certificate issued by the practitioner under these terms of service.

Deputies, assistants and partners

8.—(1) Save as provided in this paragraph in the case of partners and assistants, all treatment shall be given by a practitioner personally, except where he is prevented by reason of other professional duties, temporary absence from home or other reasonable cause.

(2) A practitioner shall make all necessary arrangements for securing the treatment of his patients where he is unable for any of the causes mentioned above to give treatment personally and shall inform the Council of any standing arrangements for that purpose. He shall not absent himself from his practice for more than one week without first informing the Council of his proposed absence and of the person or persons responsible for conducting his practice during such absence.

(3) (*a*) A practitioner shall not, except with the consent of the Council, at any time employ an assistant to attend his patients unless such employment is for a period of less than three months in any period of twelve months.

(*b*) The name of any assistant employed by a practitioner shall be notified by him to the Council as soon as possible.

(4) A practitioner shall not, without the consent of the Secretary of State, employ as a deputy or assistant any practitioner who is disqualified for inclusion in the medical list of the Council concerned under section 43 of the Act.

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

(6) 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, prescription form or other document issued by him under these terms of service, insert therein if it does not already appear the name of the practitioner for whom he is acting as deputy or assistant.

(7) A practitioner is responsible for all acts and omissions of any practitioner acting as his deputy or assistant in relation to his obligations under these terms of service.

(8) In the case of two or more practitioners practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner in whose list the patient is included, instead of by the practitioner in person, if reasonable steps are taken to secure continuity of treatment: Provided that the patient will be entitled to require the personal services of the practitioner in whose list his name is included except when the latter is prevented from attending for any of the reasons referred to in sub-paragraph (1) of this paragraph.

Arrangements for practice

9. A practitioner shall not carry on practice elsewhere than at a health centre or at his place of residence except upon conditions which appear to the Council, or, on appeal, to the Secretary of State, to be such as to enable his obligations under these terms of service, and in particular his obligation to visit his patients, to be adequately carried out. Any conditions so imposed may include a requirement that the patients of the practitioner are to be notified at the practitioner's expense of any special arrangements under which his practice is carried on.

Acceptance of Fees

10.—(1) A practitioner shall not demand or accept any fee or 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 a patient of his or of his partner or assistant: Provided that nothing in this paragraph shall debar a practitioner from demanding and accepting a fee or other remuneration—

(*a*) under paragraph 5 of these terms of service;

(*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 might take;

(*d*) for treatment not included within the range of service defined in paragraph 6 given—

(i) in special accommodation for private patients set aside in a hospital in accordance with section 5 of the Act, or

(ii) in a registered nursing home, not being a hospital providing hospital and specialist services under the Act,

if in either case the practitioner is serving on the staff of a hospital providing hospital and specialist services as a specialist providing treatment of the kind required by the patient and within seven days

after the date on which the treatment is given he furnishes the Council, on a form to be supplied by them for the purpose, with such particulars relating to the service rendered as they may require;

(*e*) under section 16 of the Road Traffic Act, 1934;

(2) A practitioner shall take all practicable steps to ensure that any partner of his, whether or not such partner is providing general medical services, shall not demand or accept any fee or other remuneration in respect of treatment rendered, or any drug or appliance supplied, to the practitioner's patients, unless the partner would have been entitled to charge if the patient had been on his own list.

(3) In this paragraph the expression " treatment " includes the provision of personal medical services during and following pregnancy and labour in respect of conditions arising therefrom.

Method of altering terms of service; withdrawals from the medical list

Revision of terms of service.

11.—(1) The Council may, with the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration. Such notice shall be given to each practitioner, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of medical practitioners, the Council shall, before making an alteration, consult with the Local Medical Committee, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice of the proposed alteration shall be given to the Local Medical Committee only, the Council shall give notice to the Local Medical Committee, and notice shall in that case be deemed to have been given to each practitioner.

Withdrawal from medical list.

12. A practitioner is entitled at any time to give notice to the Council that he desires to withdraw his name from the medical 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 Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act that the continued inclusion of a practitioner in the medical list would be prejudicial to the efficiency of the general medical services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

Continued absence or disability of practitioner.

13. Where the Council, after consultation with the Local Medical Committee, are satisfied that owing to the continued absence or bodily or mental disability of a practitioner his obligations under the terms of service are not being adequately carried out, they may with the consent of the Secretary of State give notice to the persons on his list that the practitioner is for the time being in their opinion not in a position to carry out his obligations under the terms of service.

Disputes, appeals, etc.

14. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) the investigation of questions arising between practitioners and their patients and other investigations to be made by the medical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from the practitioner where there has been a breach of the terms of service;

(*b*) appeals to the Secretary of State from decisions of the Council;

(*c*) the investigation of cases of alleged excessive prescribing;
(*d*) decisions as to treatment for which fees may be charged;
(*e*) the determination of the question whether a substance is a drug.

Issue of notices to practitioners

15. Any notice which a Council is required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been sent by post or delivered to or at the address which the practitioner has last notified to the Council as being his place of residence.

PART II

Remuneration of Practitioners

1. *Payments by way of remuneration and allowances to be distributed in accordance with the distribution scheme:*—

(*a*) A fixed annual payment of £300 as part of the remuneration, payable in such cases only, and subject to such conditions, as may be determined in accordance with regulations made by the Secretary of State;
(*b*) a capitation payment, that is to say, a payment by reference to the number of persons included in the practitioner's list;
(*c*) payment in respect of temporary residents;
(*d*) payment for treatment given by a practitioner in an emergency to a person not included in his list;
(*e*) payment in respect of mileage;
(*f*) payment in cases in which the practitioner is required to provide the services of a second practitioner for the purpose of administering an anaesthetic.

2. *Other matters to be dealt with in the distribution scheme:*—

(*a*) The calculation of practitioners' lists;
(*b*) adjustment of payment in the case of a practitioner who is exempted from the liability of having persons assigned to him or is relieved of obligations in respect of emergency night calls by persons not on his list;
(*c*) the method of payment to practitioners practising in partnership;
(*d*) the method by which, and the time within which, the moneys are to be paid by the Council;
(*e*) any deductions from remuneration in respect of superannuation;
(*f*) the issue at the end of each year by the Council to each practitioner of a statement, in a form approved by the Secretary of State, showing the total amount payable to the practitioners in the Council's area for the year, and the method by which the money payable to the practitioner has been calculated;
(*g*) such other matters, if any, as may be required.

3. *Other payments:*—

(*a*) An inducement payment, that is to say, an addition to the fixed annual payment or capitation payment, in areas which are in the opinion of the Secretary of State, after consultation with the Medical Practices Committee, sparsely populated or for any other reason unattractive to medical practitioners;
(*b*) a supervision fee for the training of an assistant under an arrangement approved by the Secretary of State;
(*c*) payment to practitioners for services provided during and following pregnancy and labour in respect of conditions arising therefrom;
(*d*) payment to practitioners in respect of the supply of drugs and appliances.

PART III

Form of application for Inclusion in Medical List

To the Executive Council for.....

I..... residing at

..... a registered medical
(*Private address*)

practitioner included in the medical register in that name and having the following medical qualifications, namely.....

.....apply to be included in the list of medical practitioners undertaking to provide

*general medical services $\frac{\text{*including}}{\text{*excluding}}$ maternity medical services

*general medical services, such services being limited to maternity medical services

for persons in the council's area, and †[if my application is granted] I accept service under, and agree to be bound by, the terms of service for the time being in operation in that area.

*I do not intend to practise in partnership.

*I intend to practise in partnership. The names of my partners are

.....

*I intend to act as an assistant to.....

The district or districts within which †[if my application is granted] I undertake to visit patients, and particulars of my surgery hours are given below:

I also undertake to visit at the place at which they were residing at the date on which they were placed on my list any patients who at that date resided outside the said district or districts.

District	*Surgery*	*Days and hours of attendance*

Signed.....

Date.....

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* Delete if inappropriate.

† Practitioners (other than paid assistants) already practising in an area who apply before 5th July, 1948, are entitled to be included in the list of the area and these words should be deleted when application is made by such a practitioner.

SECOND SCHEDULE

Form of Certificate to be issued by Scottish Medical Practices Committee under section 36(9) *of the National Health Service (Scotland) Act,* 1947.

WHEREAS.....has applied to the Scottish Medical Practices Committee under section 36(9) of the National Health Service (Scotland) Act, 1947, for their opinion as to whether the proposed transaction or series of transactions described in the schedule hereto, which sets out all material circumstances disclosed to the Committee, involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of that section;

AND WHEREAS the Committee have considered the application: NOW THEREFORE the Scottish Medical Practices Committee hereby certify that they are satisfied that the said transaction or series of transactions does not involve such a sale as aforesaid.

SCHEDULE

Dated this.....day of.....19...

Signature of the chairman or other member authorised by the Committee for the purpose.

THIRD SCHEDULE

PART I: *List of appliances*

Animal wool
Atomisers, hand-operated
Bandages:
- calico
- crepe
- domette
- elastic adhesive
- elastic web
- flannel
- indiarubber
- many-tailed
- muslin
- open wove
- plaster of Paris
- suspensory, cotton
- triangular
- zinc paste

Breast relievers
Brushes, when required for the proper administration of any drug forming part of general medical services
Catheters:
- Urethral: gum-elastic, soft rubber } and lubricant for use therewith
- Suprapubic: rubber, and introducers and shields for use therewith

Cellulose tissue
Cellulose wadding
Chiropody felt
Corn and bunion plasters and rings
Cotton wool:
- absorbent
- grey
- medicated

Douches, with rectal and vaginal fittings
Dressings
Droppers, when required for the proper administration of any drug forming part of general medical services
Elastic stockings
Elastic kneecaps
Elastic anklets
Elastic thigh pieces
Eye baths
Eye ointment rods
Eye shades
Finger stalls
Gauzes:
- medicated
- unmedicated

Gauze and cotton wool tissue:
- medicated
- unmedicated

Hypodermic needles:
- when required for self-administration of Insulin or Adrenalin

Hypodermic syringes or parts thereof:
- when required for self-administration of Insulin or Adrenalin

Ice bags:
- check sheeting
- indiarubber

Inhalers
Irrigators:
- eye (undine)
- nasal

Lints:
- medicated
- unmedicated

Pessaries:
- ring
- Hodge's

Plaster:
- adhesive, spread or on spool
- elastic adhesive

Protectives:
- battiste
- guttapercha tissue
- jaconet
- oiled cambric
- oiled silk, including oiled artificial silk

Rubber tubing

Splints: including Gooch and Kramer splinting and poroplastic but excluding walking caliper splints, surgical boots and foot supports worn with boots or shoes

Sputum flasks

Syringes:
- glass
- rubber

Tampons

Test tubes

Tows:
- carbolised
- unmedicated

Trusses

Vaccination shields and pads

Vaporisers

PART II: *Chemical Re-agents*

Fehling's Solution and Benedict's Solution (Qualitative)—when required for the proper regulation of the treatment of diabetes.

FOURTH SCHEDULE

PART I

Terms of Service for Chemists

Interpretation

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

" the Act " means the National Health Service (Scotland) Act, 1947;

" the regulations " means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948;

" chemist " means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, who provides pharmaceutical services, and the terms of service shall also apply to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined;

" appliances " in relation to appliances ordered by a medical practitioner means appliances specified in Part I of the Third Schedule to the regulations;

" Council " means the Executive Council constituted for any area; and

" drugs " includes medicines and such chemical re-agents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in the Third Schedule to the National Health Service (General Dental Services) (Scotland) Regulations, 1948.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, and any scheme made thereunder affecting the rights and obligations of chemists shall be deemed to form part of these terms of service.

Provision of pharmaceutical services

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 a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(*b*) 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 a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

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

(2) All drugs and preparations supplied by chemists shall, where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex, or the Drug Tariff, conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(3) A chemist shall not give, promise or offer to any person any gift or reward (whether by way of a share of or 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 Council.

Place 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 Council's 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 Council for that purpose under the regulations.

(2) At each place of business at which pharmaceutical services are provided there shall be exhibited a notice to be provided by the Council in the form prescribed in Part IV (or Part V) of this Schedule. There shall also be exhibited at each place of business of a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, at times when that place of business is not open, and in such a manner as to be visible at such times, a notice in a form approved by the Council indicating the facilities available for securing the dispensing of medicines urgently required.

(3) Pharmaceutical services shall not, except with the consent of the Council, or, on appeal, of the Secretary of State, be provided by a chemist in premises occupied by a medical practitioner.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately prior to the sixteenth day of December, 1911, acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act, 1925, unless he holds a licence for the purpose.

Names of registered pharmacists

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

Drugs, etc., to be supplied without charge

7. All drugs, containers and appliances supplied under these terms of service shall be supplied to the person presenting the order, without payment by him.

Method of Payment

8.—(1) A chemist is required to furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

(2) The Council 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 Council shall take such objection into consideration.

(3) The Council shall, if so required by the Local Pharmaceutical Committee or any organisation which is, in the opinion of the Secretary of State, 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 will be made for drugs and appliances in the drug tariff at the prices specified therein and for drugs or appliances not in the tariff in the manner set forth therein. The payment to be made for containers and in respect of dispensing fees shall be calculated in the manner set forth in the tariff.

Revision of terms of service

9.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration. Such notice shall be given to each chemist, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the Council shall, before making an alteration consult with the Local Pharmaceutical Committee, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee, and notice shall thereby be deemed to have been given to each chemist.

Withdrawal from pharmaceutical list

10.—(1) A chemist is entitled at any time to give notice to the Council 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 Council may agree: Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act 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 Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(2) The name of any chemist whose business is carried on by representatives in accordance with the provisions of the Pharmacy and Poisons Acts, 1852 to 1933, shall not be removed from the list so long as the business is carried on by them in accordance with the provisions of those Acts, and the representatives agree to be bound by the terms of service of the chemist.

Disputes, appeals, etc.

11. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) The investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;

(*b*) appeals to the Secretary of State from decisions of the Council.

Part II

Form of Application for inclusion in Pharmaceutical List

For use by Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

To the Executive Council for.....

I (We) ..... of .....

.....hereby undertake to dispense medicines and supply drugs and appliances under the terms for the time being in operation in the area of the Council, and apply to have my (our) name(s) included in the Council's pharmaceutical list. My (Our) place(s) of business for this purpose will be

.....

.....

The registered pharmacist(s) in charge at this (these) place(s) of business is (are) .....

Registration Number(s) .....

Signed .....

Date .....

PART III

Form of Application for inclusion in Pharmaceutical List

For use by persons other than Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

To the Executive Council for .....

I (We) ..... of .....

.....hereby undertake

*(*a*) to supply drugs (except poisons in Part I of the Poisons List).
*(*b*) to supply appliances.

under the terms for the time being in operation in the area of the Council, and apply to have my (our) name(s) included in the Council's pharmaceutical list. My (Our) place(s) of business for this purpose will be

.....

.....

Signed .....

Date .....

*Delete (*a*) or (*b*) where necessary.

PART IV

Form of Notice to be exhibited by Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

(Name of person, firm or company contracting).

Under contract with the Executive Council for

.....

.....

to dispense medicines and supply drugs and appliances.

These premises are open at the following times:—

PART V

Form of Notice to be exhibited by persons other than Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

(Name of person, firm or company contracting).

Under contract with the Executive Council for

.....

.....

*(*a*) to supply drugs (except poisons in Part I of the Poisons List).
*(*b*) to supply appliances.

These premises are open at the following times:—

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*Delete (*a*) or (*b*) where necessary.

EXPLANATORY NOTE

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

The Regulations provide for the arrangements to be made by Executive Councils under Part IV of the National Health Service (Scotland) Act, 1947, with medical practitioners and chemists for the provision of a general medical practitioner service (including a maternity medical service) and the supply of drugs, medicines and appliances. The terms of service for general medical practitioners and chemists are included as schedules to the Regulations.

The Regulations further provide for the setting up of the Scottish Medical Practices Committee, its constitution and its procedure for determining applications from medical practitioners for inclusion in a medical list, and prescribe the form of certificate to be issued to medical practitioners under section 36 (9) of the Act that a transaction does not involve the sale of goodwill.

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations, 1948

1948 No. 1770 (S. 153)

Made - - - -	*28th July*, 1948
Laid before Parliament	*29th July*, 1948
Coming into Operation	*30th July*, 1948

In exercise of the powers conferred on me by section 34 of the National Health Service (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations, 1948, and shall come into operation on the 30th day of July, 1948.

2. The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948(**b**), shall be amended as follows:—

(1) In paragraph (2) of regulation 4, the words " indicated their willingness " shall be substituted for the word " undertaken ".

(2) For regulation 19 there shall be substituted the following regulation:—

"Application for Services.

19. A person who, after diagnosis of pregnancy by a medical practitioner, desires the provision of maternity medical services, may arrange for the provision of such services either by any practitioner on a medical list who has indicated his willingness to

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(**a**) 10 & 11 Geo. 6. c. 27. (**b**) S.I. 1948 No. 1258, p. 2393 above.