Without prejudice to the provisions of paragraph (*a*) hereof, the Secretary of State may, after consultation with such organisation as aforesaid, from time to time amend or alter, generally or otherwise, the drug tariff."

Hector McNeil,
One of His Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
5th August, 1950.

EXPLANATORY NOTE

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

These regulations, by amending the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, make it clear that the Secretary of State's power to cause a drug tariff to be prepared includes power to amend or alter it.

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) (Amendment No. 4) Regulations, 1950

1950 No. 1685 (S. 117)

Made - - - -	*16th October,* 1950
Laid before Parliament	*17th October,* 1950
Coming into Operation	*1st November,* 1950

In exercise of the powers conferred upon me by section 34 of the National Health Service (Scotland) Act, 1947(**a**), and by section 15 of the National Health Service (Amendment) Act, 1949(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) (Amendment No. 4) Regulations, 1950, and shall come into operation on the 1st day of November, 1950.

(2) The Interpretation Act, 1889(**c**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

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

(1) For sub-paragraph (*f*) of paragraph (1) of regulation 13, there shall be substituted the following sub-paragraph:—

"(*f*) the provision by a practitioner of treatment where such treatment is immediately necessary owing to an accident or other emergency;"

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1948 (No. 1258) I, p. 2393. (e) S.I. 1948 (No. 1770) I, p. 2421; S.I. 1949 (Nos. 566, 1168 and 2344) I, pp. 2655–9; S.I. 1950 Nos. 465, 782 and 1345, pp. 1446–50. above.

(2) For paragraphs (2), (3) and (4) of the said regulation, there shall be substituted the following paragraphs:—

"(2) The allocation scheme shall specify the maximum number of persons who, save in special circumstances, may appropriately be placed on the list of a practitioner, and such maximum number shall not exceed the following:—

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

(*b*) in the case of two or more practitioners carrying on practice in partnership, 5,000 for any partner and an average of 4,000 for each partner:

Provided that—

(i) where a practitioner or a partnership of practitioners employs permanently one or more assistants, the said figures of 4,000 for a practitioner carrying on practice otherwise than in partnership, and 5,000 for a partner, may be increased in respect of each assistant by such number as may be fixed by the Council in the light of the circumstances of the particular case, not being more than 2,400, and in the case of a partnership any such increase shall be disregarded in calculating the average figure of 4,000 for each partner;

(ii) where an assistant is included in a medical list the increase allowable in respect of him under the preceding proviso shall be reduced by the number of persons on his list;

(iii) a practitioner who is dissatisfied with the decision of the Council respecting the extent to which his list may be increased by reason of the employment by him of an assistant may appeal against that decision to the Scottish Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from the date on which the Council intimate their decision to him, and the Committee, after such inquiry as they may think necessary, shall determine the appeal.

(3) For the purposes of the last foregoing paragraph a practitioner shall be deemed not to be carrying on practice in partnership unless he is in the position of a principal in connection with the practice and is entitled to a share in the profits of the partnership which is not less than one-third of the share of the profits of the partner with the largest share. A practitioner who is deemed not to be carrying on practice in partnership solely for the reason that he is not entitled to such share of profits may be deemed for the purposes aforesaid to be an assistant.

(4) The allocation scheme shall empower the Council to require a practitioner the number of persons on whose list exceeds the appropriate number determined in accordance with the provisions of the scheme to make arrangements within a specified period for bringing the number on his list into conformity with the said provisions, and may include provision for the necessary consultation and co-ordination in this respect between the Council and any Council of an adjoining area who may be concerned."

(3) At the commencement of paragraph (1) of regulation 14 there shall be inserted before the words "a person" the words "Subject to the provisions of the next following paragraph" and after the said paragraph (1) the following new paragraph shall be added:—

"(1A) Where a person is at the date of application for acceptance by a practitioner already included in the list of another practitioner and has not changed his address from that shown on his medical card, he may be accepted only if either—

(*a*) the practitioner in whose list his name is included has given his consent, such consent being written, signed and dated on the medical card; or

(*b*) he has given notice in writing to the Council of his desire to choose another practitioner, has forwarded to the Council his medical card, or, if such card for some sufficient reason cannot be so forwarded, an application for a new card on a form to be supplied by the Council, and has received from the Council a communication stating the date on and after which another practitioner may accept him. The said communication shall be issued by the Council as soon as possible after receipt by them of the notice and medical card (or application for a new card) and the said date shall be fourteen days after the receipt of the original notice by the Council or, where the medical card or completed form of application for a new card is not forwarded with the original notice or within seven days thereafter, seven days after the receipt by the Council of the medical card or completed form: Provided that if a person does not choose another practitioner within the period ending 28 days after the aforesaid date, the communication shall no longer authorise his acceptance."

(4) At the end of paragraph (1) of regulation 27, there shall be inserted the following provisos:—

"Provided also that—

(*a*) the distribution scheme may provide that, for the purpose of determining the capitation payment due to a practitioner the Council may disregard the number of persons on his list in excess of the appropriate number determined in accordance with the provisions of the allocation scheme; and

(*b*) where a practitioner is receiving a fixed annual payment of £300 as part of his remuneration, the Council shall, for the purpose of determining the capitation payment due to him, reduce by one-seventh the number of persons who are on his list."

(5) At the end of paragraph 8 (3) (*a*) of the terms of service for medical practitioners contained in Part I of the First Schedule, there shall be inserted the following proviso:—

"Provided that where the Council refuse to give their consent to the employment of an assistant by a practitioner, the practitioner may appeal against such refusal to the Scottish Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from the date on

which the Council intimate to him refusal of consent and the Committee after such inquiry as they may think necessary shall determine the appeal."

Dated this 16th day of October, 1950.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

The regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, by providing that, except on change of address, a person may choose another doctor only with the consent of the doctor in whose list his name is included or after a short waiting period; by enabling an Executive Council to exercise control over the number of patients whom a doctor may accept; and by making sundry minor amendments in the said Regulations.

MEDICAL PRACTICES COMPENSATION

The National Health Service (Medical Practices Compensation) (Scotland) Amendment Regulations, 1950

1950 No. 1899 (S. 127)

Made - - - -	*27th November,* 1950
Laid before Parliament	*29th November,* 1950
Coming into Operation	*1st December,* 1950

In exercise of the powers conferred on me by section 37 of the National Health Service (Scotland) Act, 1947(a), and section 1 of the National Health Service (Amendment) Act, 1949(b), 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 (Medical Practices Compensation) (Scotland) Amendment Regulations, 1950, and shall come into operation on the 1st day of December, 1950.

2.—(1) In these regulations the expression "the principal regulations" means the National Health Service (Medical Practices Compensation) (Scotland) Regulations, 1948(c) as amended(d); and the expression "the Amending Act" means the National Health Service (Amendment) Act, 1949.

(2) The Interpretation Act, 1889(e), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) S.I. 1948 (No. 1768) I, p. 2441.
(d) *See* S.I. 1949 (No. 1206) I, p. 2667 and S.I. 1949 (No. 1946) I, p. 2668.
(e) 52 & 53 Vict. c. 63.