1953 No. 366 (S. 32)

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations, 1953

Made - - - -	*7th March*, 1953
Laid before Parliament	*9th March*, 1953
Coming into Operation	*16th March*, 1953

In exercise of the powers conferred upon me by sections 34 and 72 of the National Health Service (Scotland) Act, 1947(**a**), as amended by section 14 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 Regulations, 1953, and shall come into operation on the 16th day of March, 1953.

(2) The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948 to 1952(**c**), and these regulations may be cited together as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948 to 1953.

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

2. After Regulation 4 of the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948(**e**), as amended(**f**), there shall be inserted the following regulation:—

"4A.—(1) Where a Council has determined, in accordance with the provisions of this regulation, that a practitioner whose name has been included for the preceding six months in the list of medical practitioners undertaking to provide general medical services in the area of the Council—

(*a*) has never provided such services for persons in the area; or

(*b*) has ceased to provide such services for such persons,

the Council shall, after giving the practitioner twenty-eight days notice of their intention to do so, remove his name from such list unless the Secretary of State directs to the contrary as hereinafter provided.

(2) Before making any determination under the last preceding paragraph the Council shall—

(*a*) afford the practitioner an opportunity of making representations to the Council in writing, or if the practitioner so desires, orally, to a committee appointed by the Council for the purpose, of which committee at least one-third of the members shall be practitioners, and

(*b*) consult the Local Medical Committee.

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 12, 13 & 14 Geo. 6. c. 93.
(**c**) *See* S.I. 1952/572; 1952 II, p. 2099. (**d**) 52 & 53 Vict. c. 63.
(**e**) S.I. 1948/1258; Rev. XV, p. 857; 1948 I, p. 2393.
(**f**) S.I. 1948/1770; Rev. XV, p. 857; 1948 I, p. 2421; S.I. 1949/566, 1168, 2344; 1950/465, 782, 1345, 1685; 1951/524, 1765; 1952/572: 1949 I, pp. 2655, 2656, 2659; 1950 I, pp. 1446, 1447, 1450, 1451; 1951 I, pp. 1416, 1419; 1952 II, p. 2099.

(3) A practitioner to whom notice has been given under paragraph (1) of this regulation may within twenty-one days of receipt of such notice appeal to the Secretary of State against a determination of the Council under that paragraph, and, pending the decision on such appeal, the Council shall not remove the practitioner's name from the list by reason of the determination appealed against. The notice of appeal shall be in writing and shall set out the facts and contentions on which the practitioner intends to rely. On any such appeal the Secretary of State shall, if he allows the appeal, direct that the Council shall not remove the name of the practitioner from the list by reason of the determination appealed against.

(4) Any notice which is required or authorised to be given to a practitioner under this regulation may be given by delivering it to the practitioner or by sending it in a prepaid letter addressed to him at his usual or last known address. If the notice is sent by post it shall be deemed to be given, until the contrary is proved, at the time at which a letter would be received in the ordinary course of post.

(5) Nothing in this regulation shall affect a practitioner who is called up, voluntarily or otherwise, for National Service under the National Service Act, 1948, or in any national emergency, and no determination under this regulation shall be made in respect of any such practitioner until six months after he has completed his period of service."

Dated this 7th day of March, 1953.

James Stuart,
One of Her 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.)

These Regulations enable an Executive Council to remove from their list of medical practitioners providing general medical services the name of any practitioner in whose case the Council have determined that in fact he has never provided, or has ceased to provide, such services; they also make provision for the manner in which any such determination is to be made by an Executive Council, and for a right of appeal by the practitioner to the Secretary of State.