1953 No. 505

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1953

Made - - - -	23*rd March*, 1953
Laid before Parliament	24*th March*, 1953
Coming into Operation	1*st April*, 1953

The Minister of Health in exercise of his powers under sections 33, 34, 38 and 74 of the National Health Service Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1953, and shall come into operation on the first day of April, 1953.

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

3. The National Health Service (General Medical and Pharmaceutical Services) Regulations, 1948(c), as amended(d), shall be further amended as follows :—

(1) In paragraph (1) of regulation 2 (which deals with the interpretation of certain expressions used in the Regulations) the following definition shall be substituted for the definition of " assistant ".

" " assistant " means a medical practitioner who acts as an assistant to a medical practitioner and for the purposes of paragraph 8 of Part I of the first schedule to these regulations shall include a practitioner who is being trained in general practice as a trainee general practitioner under arrangements made by the Minister ; "

(2) After paragraph (1) of the said regulation 2 there shall be inserted the following paragraph :—

" (1A) For the purposes of these regulations, except where expressly provided to the contrary, a practitioner shall be deemed not to be carrying on practice in partnership or to be a partner unless, in the opinion of the Council, or, on appeal the Minister, he is both in the position of a principal in connection with the practice and entitled to a share of the profits of the partnership which is not less than one-third of the share of the partner with the greatest share. A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant."

(3) In paragraph (2) of regulation 13 (which provides for the preparation of an allocation scheme) there shall be substituted for the figures " 4,000 " and " 5,000 ", wherever they occur, the figures " 3,500 " and " 4,500 " respectively, and in paragraph (3) of that regulation the figure " 2,000 " shall be substituted for the figure " 2,400 ".

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.
(c) S.I. 1948/506; Rev. XV, p. 575; 1948 I, p. 2140.
(d) S.I. 1948/1448; Rev. XV, p. 575; 1948 I, p. 2168: S.I. 1949/577, 2341; 1950/395, 1486; 1951/479, 1695; 1952/419, 2135; 1953/369: 1949 I, pp. 2609, 2611; 1950 I, pp. 1311, 1312; 1951 I, pp. 1401, 1402; 1952 II, pp. 2061, 2062.

(4) For paragraph (3A) of the said regulation 13 there shall be substituted the following paragraph:—

"(3A) Where an assistant has a list of patients of his own, the patients shall be deemed, for the purposes of any calculation under the last two preceding paragraphs, to be the patients of the practitioner or partnership employing the assistant."

(5) For paragraph (2) of regulation 18 (which provides for the deletion of a person's name from a practitioner's list) there shall be substituted the following paragraphs:—

"(2) Where a person for whose treatment a practitioner is responsible dies or is absent from the United Kingdom for a period of three months, his name shall be deleted from the practitioner's list as from the date of death or on the expiration of three months absence, as the case may be.

(3) Where such a person leaves the United Kingdom with the intention of being away for a period in excess of three months or enlists in H.M. Forces his name shall be deleted from the practitioner's list as from the date of his departure or enlistment.

(4) Any deletions from a practitioner's list caused by the transfer of a person to the list of another practitioner, otherwise than in pursuance of a notice given under paragraph (3) of regulation 14 of these Regulations, shall take effect from the date on which the Council receive notification of the acceptance of the person by the last named practitioner or, subject to the consent of the Council, on such date as may be agreed between the practitioners.

(5) Any other deletion of the name of such a person from a practitioner's list shall take effect as from the date on which notice of 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."

(6) For regulation 22 (which provides for the remuneration of practitioners under a distribution scheme) there shall be substituted, without prejudice to any rights or liabilities already acquired or incurred thereunder, the following regulation:—

"22.—(1) For the financial year ending the 31st March, 1954, and, subject as hereinafter provided, for each succeeding financial year the Council shall remunerate practitioners providing general medical services in their area in accordance with the distribution scheme set out in Part IIA of the first schedule to these regulations. On or before 30th April, 1953, the Council shall, after consultation with the Local Medical Committee, pass a resolution adopting either paragraph 13A or paragraph 13B of the scheme (which provide alternative methods of payment for emergency treatment) and shall forthwith inform the Minister of their decision.

(2) For the financial year ending 31st March, 1955, or for any succeeding financial year the Council after consultation with the Local Medical Committee and subject to the approval of the Minister may modify or alter the distribution scheme in such manner as they may determine: Provided that the scheme as modified and altered:—

(*a*) shall include provision for such payment to practitioners by way of remuneration and for such other matters as are specified in paragraph 1 of Part II of the first schedule to these Regulations; and

(*b*) shall not come into operation until the 1st April following the date on which the scheme is modified or altered and shall then remain in operation at least until the following 31st March, and thereafter from year to year unless further modified or altered as hereinafter provided.

(3) Where the distribution scheme is modified or altered by the Council under the last preceding paragraph it may, subject to the Minister's approval, from time to time be further modified or altered in the same manner.

(4) If the Local Medical Committee desire for the financial year ending the 31st March, 1955, or for any succeeding financial year any modification or alteration of the distribution scheme, the scheme may, in default of agreement between the Council and the Committee, be modified or altered in respect of the Council's area by the Minister in such manner as he may determine."

(7) In regulation 23 (which provides for certain payments to practitioners) the reference to "paragraph 3" of Part II of the first schedule shall be altered to "paragraph 2" thereof.

(8) In sub-paragraph (14) of paragraph 7 of Part I of the first schedule (which provides that a practitioner shall in certain circumstances give particulars of his patients) there shall be inserted after the word "institution" the first time it appears the words "or the staff of a school or such institution".

(9) At the end of paragraph 8 of Part I of the first schedule (which makes provision for partners, deputies and assistants) there shall be added the following paragraph:—

"(10) For the purposes of this paragraph the expression "partner" shall include any partner who is otherwise deemed under the regulations to be an assistant and the expression "assistant" shall not include such a person."

(10) After paragraph 9 of Part I of the first schedule the following new paragraph shall be added:—

"9A (1) A practitioner shall not, without the consent of the Council, or, on appeal, the Medical Practices Committee, carry on practice at any house, flat, surgery, branch surgery or other similar premises (hereinafter referred to in this paragraph as "the surgery premises") which have been previously occupied or used for the purpose of his practice by another practitioner (in this paragraph hereinafter referred to as "the owner") whose practice has been declared vacant and to whose practice a successor has been, or is to be, appointed.

(2) The provisions of the foregoing sub-paragraph shall not apply:—

(*a*) where the owner or his executors or administrators has or have, in agreement with the Council, made an offer to the successor on his appointment to sell or let to him the surgery premises upon terms to be approved by the Medical Practices Committee and upon terms that such offer cannot be withdrawn within the period of one month from the date on which the successor was appointed and the successor has failed or refused to accept such offer before the expiry thereof, or

(*b*) where such offer was made to the successor and accepted by him before its expiry and the approval of the Medical Practices Committee has been given to the terms of the proposed agreement, or

(*c*) after the expiration of a period of 12 months from the date on which the successor was appointed, or

(*d*) where the owner was a member of a partnership and the practitioner concerned is another member of the partnership who acquires the surgery premises in accordance with the terms of a partnership agreement which had been in operation for a period of 12 months before the date on which notice of the owner's intended retirement was given to the Council concerned, or the date of the owner's death, or

(*e*) where the practitioner is using the surgery premises in consequence of temporary arrangements for the carrying on of the practice made either pursuant to and in accordance with regulation 14 of the regulations, or by agreement between the owner or his executors or administrators and the successor pending the approval of the Medical Practices Committee to a proposed sale or lease of the surgery premises to the successor.

(3) In this paragraph the expression "successor" means the practitioner appointed by the Medical Practices Committee or, in the case of an appeal, by the Minister to succeed to the practice in accordance with the provisions of regulations 9 and 10 of the regulations and the expression "the date on which the successor was appointed" shall mean the date on which the successor is advised that no appeal has been made against the decision of the Medical Practices Committee, or, in the case of an appeal, the decision of the Minister is notified to the successor."

(11) In sub-paragraph (2) of paragraph 10 of Part I of the first schedule (which deals with the acceptance of fees from patients) there shall be inserted after the word "partner" each time it appears the words "deputy or assistant".

(12) For Part II of the first schedule (which provides for the remuneration of practitioners) there shall be substituted the following Part:—

"PART II

REMUNERATION OF PRACTITIONERS

1. Payments by way of remuneration and other matters to be dealt with in any distribution scheme in accordance with regulation 22.

(*a*) a capitation payment, that is to say, a payment by reference to the number of persons (not exceeding the maximum number of persons permitted under the allocation scheme together with such additional number as the Minister may allow) included in a practitioner's list. The payment shall not be less than such sum as the Minister shall determine after consultation with such organizations as he may recognise as representing general practitioners;

(*b*) a "loadings" payment, that is to say an additional capitation payment payable to a practitioner other than an assistant or a practitioner referred to in sub-paragraph (*d*) hereof in respect of persons within the range of 501 to 1,500 on such a practitioner's list or such other range as is fixed for the time being by the Minister. The payment shall not be less than such

sum as the Minister shall determine after consultation with such organizations as he may recognise as representing general practitioners;

(*c*) payment in respect of the treatment of temporary residents at rates not less than the rates specified for such treatment in the distribution scheme set out in Part IIA of this schedule;

(*d*) the adjustment of payment in the case of a practitioner whose list of patients is limited to the staff of a hospital or similar institution in which he is employed or to persons resident in or connected with a school or any other institution or establishment;

(*e*) the adjustment of payment in the case of a practitioner who is exempted from the liability of having persons assigned to him or is relieved from the obligation for emergency night calls in respect of persons not on his list;

(*f*) payment for treatment given by a practitioner in an emergency to a patient not on his list;

(*g*) payment in cases in which the practitioner is required to provide the services of a second practitioner for the purpose of administering an anaesthetic;

(*h*) the method of calculation of a practitioner's list including, in the case of a partnership, adjustment, with the approval of the Council after consultation with the Local Medical Committee or on appeal the Minister, of the number of persons on the lists of members of the partnership so as to attract the maximum number of loadings for the partnership;

(*i*) the method of payment to practitioners practising in the areas of two or more Councils or in partnership;

(*j*) the method by which and the time within which moneys are to be paid by the Council;

(*k*) provision for an appeal to the Minister against the refusal of a Local Medical Committee to pay the amount of any fee payable in respect of emergency treatment or the provision of a second practitioner for the purpose of administering an anaesthetic; and

(*l*) the expenses of the Local Medical Committee.

2. Other payments which are not provided for in the distribution scheme and may be made in accordance with regulation 23:—

(*a*) an initial practice allowance, that is to say, an allowance payable for a period not exceeding three years to a practitioner who has recently or is about to set up in single-handed practice or is appointed to succeed to such a practice in an area designated by the Medical Practices Committee as one where a practitioner is entitled to such a payment, or to a practitioner receiving a fixed annual payment on the 31st March, 1953, under the regulations then in operation;

(*b*) payment to assist certain practitioners if they suffer or are likely to suffer a fall in gross professional earnings as a result of the method of remuneration of practitioners brought into operation for the year ending 31st March, 1954;

(*c*) an inducement payment, that is to say, a payment (additional to other payments) to a practitioner practising in an area which in the opinion of the Minister after consultation with the Medical Practices Committee is sparsely populated or, for any other reason, unattractive to medical practitioners;

(*d*) a fee for the supervision and training of a practitioner who is being trained in general practice (as a "trainee general practitioner") and grants towards certain expenses in connection therewith under an arrangement approved by the Minister;

(*e*) payment in respect of the provision of maternity medical services in accordance with the regulations;

(*f*) payment in respect of mileage;

(*g*) payment to practitioners in respect of the supply of drugs and appliances; and

(*h*) a payment in respect of the establishment of a group practice."

(13) After Part II of the first schedule there shall be added the following new Part:—

"PART IIA

DISTRIBUTION SCHEME

Definitions

1.—(1) In this Scheme, unless the context otherwise requires, the following words and expressions have the meanings hereby assigned to them:—

"the Act" means the National Health Service Act, 1946, as amended.

"Allocation Committee" means the Committee constituted under the Allocation Scheme.

"Allocation Scheme" means the scheme prepared by the Council under Regulation 13 of the Regulations.

"capitation payments" mean payments (other than 'loadings') calculated by reference to the number of persons included in a practitioner's list.

"Council" means the Executive Council for the area.

"loadings" mean additional payments payable to a practitioner other than an assistant in respect of persons within the range 501 to 1,500 on a practitioner's list or such other range as is fixed for the time being by the Minister.

"the Minister" means the Minister of Health.

"practitioner" means a medical practitioner providing general medical services under the Act, and shall include the personal representative of a deceased practitioner.

"quarter" means each period of 3 months ending 31st March, 30th June, 30th September and 31st December.

"regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1948 as amended.

"responsible Council" means a Council who accept responsibility in respect of a practitioner under paragraph 3 of this Scheme.

"temporary resident" means a person to whom the provisions of regulation 17 of the regulations applies.

"trainee general practitioner" means a practitioner who is being trained in general practice under an arrangement approved by the Minister.

Other words and expressions have the same meaning as in the regulations.

(2) For the purpose of this Scheme, a practitioner shall be deemed not to be carrying on practice in partnership or to be a partner unless in the opinion of the Council or on appeal the Minister, he is both

in the position of a principal in connection with the practice and is entitled to a share of the profits of the partnership which is not less than one-third of the share of the partner with the greatest share. A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant.

Calculation of Lists

2.—(1) The Council shall send to each practitioner on the medical list of the Council a statement of the number of persons who are included in his list on the first day of each quarter and, unless within ten days from the date on which such statement is sent by the Council the practitioner notifies the Council that he disputes the correctness of the statement, the statement shall be regarded as agreed by him and it shall not be open to him subsequently to raise any objection to it or to any payment based upon it.

(2) If the notice of acceptance by the practitioner of a person is received by the Council not later than 48 hours after the beginning of a quarter the person shall be treated for the purpose of the preceding sub-paragraph as having been included in the practitioner's list on the first day of the quarter.

(3) If the practitioner disputes the correctness of the statement, he shall submit to the Council within 21 days from the date on which such statement is sent by the Council such evidence as may reasonably be required in order to enable the dispute to be settled.

3. If a practitioner on the medical list of the Council (*a*) is also on the medical list of another Council or Councils or (*b*) is practising in partnership with a practitioner or practitioners, one or more of whom is on the list of another Council or Councils, and it has been agreed that the arrangements referred to in paragraph 7 of this scheme apply in respect of the partnership, the Council shall consult with the other Councils concerned and decide which Council shall be responsible for assembling information about the total number of persons on the lists of the practitioner or practitioners concerned. If the Council accepts this responsibility in respect of any practitioner it shall ascertain each quarter from the other Councils concerned the number of persons on the list of the practitioner in the areas of the other Councils, the number having been adjusted as necessary following representations made by a practitioner under the preceding paragraph.

Calculation of Quarterly Capitation Fees and "Loadings"

4. Subject as hereinafter provided in paragraphs 5 to 12, the practitioner shall be entitled each quarter to capitation payments and to loadings calculated at such rates as the Minister may notify, in respect of the number of persons on his list at the first day of the quarter: Provided that where the number of persons on a practitioner's list exceeds the maximum number permitted in the Allocation Scheme the capitation payments (including any adjustments made under paragraphs 8 and 9 hereof) shall not exceed an amount calculated by reference to the aforesaid maximum number together with any additional number which the Minister may approve, the aggregate of these numbers being referred to hereinafter as the limiting number.

5. The Council shall in respect of each practitioner for whom they act as responsible Council notify the other Council or Councils concerned of the number of persons on his list at the first day of the quarter in the area of that Council:

(1) in respect of whom loadings are payable, the apportionment of the total number of loadings in respect of each practitioner being made by the Council (to the nearest whole number) in the proportion which the number of persons on the practitioner's list in the area of each Council bears to the total number of persons on his list in all areas.

(2) in respect of whom capitation payments are payable, where the total number of persons on the practitioner's lists in the areas of all the Councils concerned exceed the limiting number. Where these circumstances apply, the total number shall be reduced to the limiting number and divided to the nearest whole number in the proportion which the number of persons on the practitioner's list in the area of each Council bears to the total number of persons on the practitioner's lists in all areas.

6. In respect of a practitioner on the medical list of the Council for whom another Council acts as the responsible Council, the number of loadings and if the circumstances in sub-paragraph (2) of the last preceding paragraph apply, the number of capitation payments to be paid by the Council each quarter shall be such number as is notified to the Council for the quarter by the responsible Council.

7. Where the members of a partnership would be entitled to a greater number of loadings if the patients were divided between them on a basis other than the existing basis, the aggregate of the numbers of persons on the list of all the partners in a partnership on the first day of the quarter may be allocated between the partners on a basis agreed between them for the purpose of calculating the total number of loadings to be paid to the practitioners under paragraphs 4 to 12 hereof. The number of loadings to be paid to each partner shall be that proportion of the total which the number of persons on his list on the first day of the quarter bears to the aggregate of the number of persons on the lists of all the partners on that date: Provided that the Council or responsible Council as the case may be, may exclude a partner from these arrangements where it appears to that Council after consultation with the Local Medical Committee or, on appeal, to the Minister, that for any reason a partner should be excluded. Where a partner is excluded he shall be entitled to the payments to which he would have been entitled if he were practising in single-handed practice.

8. A practitioner whose name has for any reason ceased to be included in the medical list during a quarter shall be entitled to a proportion of the amount which would have been payable to him for the whole of the quarter in respect of the number of persons on his list, the calculation to be based upon the number of days in the quarter on which his name was included in the medical list. If such persons have been transferred or deemed to have been transferred from the list of that practitioner to the list of another practitioner, the last named practitioner shall from the date of the transfer be entitled to the due proportion of the amount which would have been payable in respect of the persons so transferred had they been included in his list on the first day of the quarter. Where the Council act as responsible Council in respect of the last named practitioner they shall notify the other Councils concerned the number of loadings, if any, to which he becomes entitled in the area of each Council under these arrangements. If another Council acts as responsible Council in respect of the practitioner the Council shall notify the responsible Council and request the responsible Council to determine the number of loadings,

if any, to which he becomes entitled in the area of each Council under these arrangements. Where, following a notice given under paragraph (3) of regulation 14 of the regulations, a person chooses another practitioner within the 14 days prescribed in paragraph (4) of regulation 14 of the regulations, payment shall not be made in respect of that person to the practitioner named in the notice and payment shall be made in respect of that person to the chosen practitioner as if the person had been transferred to his list as from the date given in the notice.

9. Where a practitioner whose name is included in the medical list in respect of more than one address has ceased to practise at one of such addresses, or where a practitioner has reduced his list of patients on ceasing to employ a permanent assistant or on entering into partnership with that assistant or other practitioner and notice has been given by the Council under the Allocation Scheme that certain persons on the practitioner's list should be transferred to another practitioner the persons shall be deemed to be transferred to the practitioner named in the notice in the same manner and subject to the same conditions as if they had been transferred under the provisions of paragraph (4) of regulation 14 of the regulations and payment shall be made in respect of such persons in accordance with the provisions of paragraph 8 of this Scheme.

10. In the case of a practitioner whose list is limited to the staff of a hospital or similar institution in which he is employed or to persons resident in or connected with a school or any other institution or establishment, loadings shall not be payable and the capitation payments which would otherwise be due to him in accordance with the foregoing paragraphs shall be reduced by 20%.

11. The payments which would otherwise be due under the foregoing paragraphs to any practitioner, other than a practitioner to whom paragraph 10 applies, shall:—

(*a*) be reduced by 10% if with the consent of the Allocation Committee the practitioner has been relieved of his liability to have persons assigned to him under the Allocation Scheme; and

(*b*) be reduced by 10% if with the consent of the Allocation Committee the practitioner has been exempted from liability for emergency night calls to persons not on his list.

Temporary arrangements for carrying on a practice

12. Where for the purpose of securing the treatment of persons on the list of a practitioner whose name has ceased to be included in the medical list pending their selection of or transfer to the list of another practitioner, the Council appoint one or more practitioners in accordance with the provisions of regulation 15 of the regulations, the practitioner or practitioners so appointed shall be entitled to a proportion of the amount which would have been payable to the practitioner whose name has ceased to be included in the medical list based upon the duration in days of the appointment:

Provided that:—

(1) where an appointment has been made under the proviso to regulation 15 (1) of the regulations, payment of the sums due shall be made to the legal personal representative of the deceased practitioner; or

(2) where the Council appoint a practitioner who is not either a practitioner with a neighbouring practice, or a practitioner who was acting as an assistant (including a trainee general practitioner) to the practitioner whose name has ceased to be included in the medical list, the practitioner so appointed shall, if the Council and Local Medical Committee so agree, be paid a weekly sum determined by the Council in agreement with the Local Medical Committee for the duration of the appointment in lieu of the remuneration by capitation payments and loadings. In these circumstances the Council may also make payments in agreement with the Local Medical Committee in respect of the expenses necessary to enable the practice to be carried on.

Payment for Emergency Treatment

13A*—(1) If a practitioner on the medical list of the Council is called upon to provide treatment in the area of the Council under the terms of the Allocation Scheme in case of accident or other sudden emergency in respect of a person applying for general medical services not being a person on his own list or on that of his partner or assistant, payment will be made in accordance with the provisions of sub-paragraph (7) of this paragraph.

(2) A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix A to this Scheme (or a form to the like effect) within 21 days after he is called upon to provide the treatment or in exceptional cases such longer period not exceeding two months as the Council in consultation with the Local Medical Committee may agree. The claim shall, before payment, be submitted to the Local Medical Committee who shall have power to disallow any item claimed, but before exercising this power the Committee shall afford the practitioner reasonable opportunity of appearing before and being heard by them, or if he thinks fit of submitting any statement in writing.

(3) If the claim is allowed by the Local Medical Committee or if the Minister on appeal directs that the claim should be paid in whole or in part, the Council shall pay to the practitioner called upon to provide the treatment, the amount due and unless the Local Medical Committee is satisfied that there was reasonable cause for the non-attendance of the practitioner, if any, in whose list the name of the person was included, the Council shall deduct the amount from the remuneration of that practitioner. Before deciding to recommend such deduction the Local Medical Committee shall afford him a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting to them any statement in writing: Provided that, if the non-attendance is the subject of an investigation by the Medical Service Committee in accordance with the provisions of the National Health Service (Service Committees and Tribunal) Regulations, 1948(a), no deduction shall be made pending the outcome of the investigation.

(4) A practitioner shall be entitled to appeal to the Minister against (*a*) any disallowance, or (*b*) the fee determined in special circumstances by the Local Medical Committee to be due to the practitioner, or (*c*) any deduction from his remuneration.

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* See note to paragraph 13B. (a) S.I. 1948/507; Rev. XV, p. 674; 1948 I, p. 2205.

(5) No payment shall be made by the Council to a practitioner in respect of a service for which a fee is payable under section 16 of the Road Traffic Act, 1934(a), unless the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover such fee.

(6) If an application for treatment in cases of accident or other sudden emergency is made to a practitioner by or on behalf of a person remaining in the district for less than 24 hours, the practitioner called upon to provide treatment shall be paid as though the treatment had been given in an emergency within the meaning of sub-paragraph (1) of this paragraph and not in accordance with the provisions of paragraph 15 hereof which provides for payment for the treatment of temporary residents.

(7) (a) *Fees for Emergency Treatment*

	£	s.	d.
(1) Emergency consultation (at any place or time) ...		8	6
(2) Minor surgical operation requiring General anaesthetic, Treatment of fractures, Reduction of dislocation, or Administration of Nitrous Oxide or Ethyl Chloride		15	0
(3) Administration of general anaesthetic other than Nitrous Oxide or Ethyl Chloride	1	15	0

Where more than one item of service is provided, a fee in accordance with the scale shall be payable for each item of service except that the fee for an emergency consultation shall not be payable in addition to the other fees.

(b) Where in any particular case a practitioner furnishes details purporting to show that the service rendered by him is not covered by any of the items in the scale of fees set out above, the Local Medical Committee shall determine the payment to be made to the practitioner for the service.

13B*—(1) Payments will not be made if a practitioner is called upon to provide treatment in the area of the Council, under the terms of the Allocation Scheme in case of accident or sudden emergency in respect of a person applying for general medical services not being a person on his own list or on that of his partner or his assistant, but if a practitioner on the medical list of the Council considers that

(*a*) because of his location or for some other reason he is called upon to provide such treatment on an undue number of occasions, or

(*b*) the incident at which he was called upon to provide such treatment was of a wholly exceptional nature,

he may make claims for payment and if the Local Medical Committee consider that the circumstances are exceptional they shall determine the payment to be made to the practitioner for the service.

(2) A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix B to this Scheme (or a form to the like effect) within 21 days after he is called upon to provide the

(a) 24 & 25 Geo. 5. c. 50.

**Note.* Paragraph 13B is an alternative to paragraph 13A and applies what are known as "knock-for-knock" arrangements. For the financial year ending 31st March, 1954 the Council after consultation with the Local Medical Committee must pass a resolution on or before 30th April, 1953 to decide which alternative they will adopt.

treatment or in exceptional cases such longer period not exceeding two months as the Council in consultation with the Local Medical Committee may agree. The claim shall, before payment, be submitted to the Local Medical Committee who shall have power to disallow any item claimed, but before exercising this power the Committee shall afford the practitioner reasonable opportunity of appearing before and being heard by them, or if he thinks fit of submitting any statement in writing.

(3) If the claim is allowed by the Local Medical Committee or if the Minister on appeal directs that the claim should be paid in whole or in part, the Council shall pay to the practitioner called upon to provide the treatment, the amount due and unless the Local Medical Committee is satisfied that there was reasonable cause for the non-attendance of the practitioner, if any, in whose list the name of the person was included, the Council shall deduct the amount from the remuneration of that practitioner. Before deciding to recommend such deduction the Local Medical Committee shall afford him a reasonable opportunity of appearing before and being heard by them, or if he thinks fit, of submitting to them any statement in writing: Provided that, if the non-attendance is the subject of an investigation by the Medical Service Committee in accordance with the provisions of the National Health Service (Service Committees and Tribunal) Regulations, 1948, no deduction shall be made pending the outcome of the investigation.

(4) A practitioner shall be entitled to appeal to the Minister against (*a*) any disallowance or (*b*) the fee determined in special circumstances by the Local Medical Committee to be due to the practitioner or (*c*) any deduction from his remuneration.

(5) No payment shall be made by the Council to a practitioner in respect of a service for which a fee is payable under section 16 of the Road Traffic Act, 1934, unless the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover such fee.

(6) If an application for treatment in cases of accident or other sudden emergency is made to a practitioner by or on behalf of a person remaining in the district for less than 24 hours, the practitioner called upon to provide treatment may be paid as though the treatment had been given in an emergency within the meaning of sub-paragraph (1) of this paragraph and not in accordance with the provisions of paragraph 15 of this Scheme which provides for payment for the treatment of temporary residents.

Special payments for Providing the Services of Anaesthetists

14.—(1) In cases in which the services of a second practitioner are required for the purpose of administering a general anaesthetic otherwise than in connection with maternity medical services, a fee of £1 15s. 0d. or, where the general anaesthetic is in the form of Nitrous Oxide or Ethyl Chloride, a fee of 15s. 0d. will be payable to the practitioner who is responsible for providing the services of the anaesthetist. A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix C to this Scheme (or a form to the like effect) within 21 days after the date on which the services are provided. The claim shall, before payment, be submitted by the Council to the Local Medical Committee who shall have power to disallow any item

of the claim, but before making any such recommendation the Local Medical Committee shall afford the practitioner reasonable opportunity of appearing before and being heard by them, or if he thinks fit, of submitting to them any statement in writing. The practitioner shall be entitled to appeal to the Minister against any disallowance. If the claim is allowed by the Local Medical Committee or if the Minister on appeal directs that the claim should be paid in whole or in part, the Council shall pay the amount due.

(2) A fee shall not be payable for the administration of a general anaesthetic by a trainee general practitioner, or for the administration of a general anaesthetic by any practitioner where the operation is performed by his trainee general practitioner.

(3) A fee shall not be payable under this paragraph if the operation at which the anaesthetic was given was performed under arrangements made for hospital and specialist services in accordance with Part II of the Act.

Payment for the Treatment of Temporary Residents

15. Subject to sub-paragraph (6) of paragraphs 13A or 13B hereof, payment shall be made to practitioners for the treatment of temporary residents under regulation 17 of the regulations in accordance with the following arrangements :—

(1) Notification that treatment has been given shall be made to the Council in the form set out in Appendix D to this Scheme (or a form to the like effect).

(2) Payment shall be made only where the Council is satisfied that treatment has actually been given.

(3) Payment shall be at the rate of 17/- for treatment given to a temporary resident, or 5/- if the temporary resident is residing at a place which the Council in consultation with the Local Medical Committee has classified as a convalescent home or other institution being a place at which ten or more persons reside temporarily and where the Council concerned is satisfied that the practitioner is in regular attendance. The Council may also at their discretion, in consultation with the Local Medical Committee, pay at the lower rate in other cases where a practitioner is known to give treatment to a number of temporary residents who are living temporarily in groups of ten or more, on a ship or at any other place within the Council's area.

(4) Only one payment of 17/-, or 5/- as the case may be, shall be made to any one practitioner, his partner, assistant or deputy for all treatment given to a temporary resident within a period of three months commencing from the date of the first treatment.

Expenses of Local Medical Committee

16. Any sum which under subsection (3) of section 32 of the Act the Council may on the request of the Local Medical Committee and with the approval of the Minister decide to allot to that Committee for defraying the administrative expenses of the Committee including travelling allowances payable to members of the Committee, shall be deducted from the amounts payable to practitioners under the foregoing provisions of this Scheme and shall be calculated in proportion only to their capitation payments and loadings.

Arrangements for Payment

17. The payments due in accordance with the foregoing paragraphs shall be made not later than the last day of the quarter:

Provided that:—

(1) If any practitioner has notified the Council that he disputes the correctness of the statement of the number of persons on his list and the payment to which the practitioner is entitled cannot be finally ascertained by that date, the Council shall make payment without taking account of such matter in dispute and shall make any adjustment which may subsequently prove necessary in the payment for a succeeding quarter;

(2) If after the payment is made for a quarter any deduction is for any reason required to be made from the practitioner's remuneration for that quarter, the Council shall deduct the amount from his remuneration for a succeeding quarter;

(3) If after the payment is made for a quarter it appears that owing to an error on the part of the Council or the practitioner, the amount paid to the practitioner for that quarter was either more or less than that to which under the terms of this Scheme he was entitled, the Council shall, notwithstanding that no question has been raised by the practitioner under paragraph 2 of this Scheme, make an appropriate deduction from, or addition to, the amount to be paid to him for a succeeding quarter;

(4) In respect of claims made under paragraphs 13A, 13B and 14 hereof payment shall be made on the last day of the quarter in which the claim is allowed by the Local Medical Committee, or in which the Minister on appeal directs that the claim should be paid, if this date is at least 21 days before the end of the quarter. If it is less than 21 days before the end of the quarter payment shall be made on the last day of the next quarter; or

(5) In respect of claims made under paragraph 15 payment shall be made on the last day of the quarter following the quarter in which treatment was given.

18. If two or more practitioners are practising in partnership

(1) any claims submitted to the Council under this Scheme in respect of services rendered by either or any of the partners may be submitted as a single claim in the name of the partnership;

(2) any payment made under this Scheme may if the partners so desire be made as a single payment in the name of the partnership and in such a case the receipt of either or any partner for payments made by the Council shall be a good discharge to the Council.

Advances on Account

19. If a practitioner applies for a payment on account to be made in advance of the payment due at the end of a quarter and can satisfy the Council that it would involve difficulty or hardship to wait until the end of the quarter, the Council shall make either:—

(1) a single advance payment not earlier than the middle of the quarter of not more than one half of the amount estimated to be due to him for the quarter by way of capitation payments and loadings having regard to the number of persons on his list on

the first day of the quarter and the quarterly rates notified by the Minister for the immediately preceding quarter in respect of capitation payments and loadings, or,

(2) monthly advances on account, each such advance not to exceed one-third of the amount estimated to be due to the practitioner for the quarter calculated in accordance with the preceding paragraph.

Supplementary Payments

20.—(1) Any sum which is credited to the Council to provide additional remuneration to practitioners for the year shall be dealt with in accordance with the following provisions.

(2) To the sum so credited shall be added or deducted, as the case may be, the amount by which any payments made by the Council under proviso (2) to paragraph 12 hereof (temporary arrangements for carrying on a practice) fall short of or exceed respectively the amounts which would but for this proviso have been payable to the practitioner or practitioners concerned.

(3) Subject to any directions given by the Minister after consultation with representatives of the medical profession in respect of any particular financial year, there shall be deducted from the sum referred to in sub-paragraph (1) of this paragraph adjusted as necessary in accordance with sub-paragraph (2):—

(*a*) the amount of any payments made to practitioners during the year under paragraphs 13A or 13B hereof, (payments for emergency treatment) insofar as they have not been deducted from the remuneration of the practitioners on whose lists the names of the persons concerned were included;

(*b*) the amount of any payments made to practitioners during the year under paragraph 14, (special payments for providing the services of anaesthetists);

(*c*) such amount as may be agreed by the Council and the Local Medical Committee to be set aside to provide additional payments to practitioners to whom payments were made during the year in respect of the treatment of temporary residents in accordance with paragraph 15.

(4) Any balance shall be apportioned between practitioners in proportion to the amount allocated to them under the provisions of paragraphs 4 to 12 hereof other than any amount paid under proviso (2) to paragraph 12.

(5) Any amount which is set aside under sub-paragraph (3) (*c*) of this paragraph shall be apportioned between the practitioners to whom payments were made during the year under paragraph 15, in proportion to the payment so made.

Date of commencement of the Scheme

21. This Scheme shall have effect from 1st April, 1953 until 31st March, 1954, and shall then continue in operation from year to year unless modified or altered in accordance with regulation 22 of the regulations.

APPENDIX A

Claim in respect of Emergency Treatment

Name of Patient.....

National Health Service No.....

Home Address .....

Name of Patient's Doctor.....

The nature of the service and the time and place at which it was rendered should be shown in all claims	Date	Service Rendered	Place where service rendered and time	Fees £ s. d.

Nature of accident or sudden emergency.....

.....

Was the accident caused by or did it arise out of the use of a motor vehicle on a road.

For patients temporarily absent from home district

I am informed that the patient was absent from the district in which he/she is normally resident for less than 24 hours.

Signed.....

Date.....

APPENDIX B

Claim in respect of Emergency Treatment in an area in which "Knock-for-Knock" arrangements normally apply

Name of Patient.....

National Health Service No.....

Home Address.....

Name of Patient's Doctor.....

The nature of the service and the time and place at which it was rendered should be shown in all claims	Date	Service Rendered	Place where service rendered

Nature of accident or sudden emergency.....

.....

Was the accident caused by or did it arise out of the use of a motor vehicle on a road.

For patients temporarily absent from home district

I am informed that the patient was absent from the district in which he/she is normally resident for less than 24 hours.

I make this claim for the following reasons:—

I consider a fee of.....would be appropriate.

Signed.....

Date.....

APPENDIX C

Claim for Payment for the Services of an Anaesthetist

I hereby give notice that on (date).....I rendered to the patient named below, who is included in my list, the professional service, particulars of which are given, which required the services of a second practitioner (not being a trainee general practitioner) for the purpose of administering a general anaesthetic.

I hereby declare that in my opinion the administration of the anaesthetic did 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.

I claim payment of the appropriate fee.

Name of patient.....

National Health Service No.....

Address .....

.....

Place where operation was performed.....

Particulars of service rendered.....

.....

(Nature of operation or other service, and the reason which rendered a general anaesthetic necessary.)

Nature of anaesthetic.....

Signature of practitioner performing operation.....

Signature of practitioner administering anaesthetic.....

Date.....

APPENDIX D

Notification of Treatment of a Temporary Resident

To.....Executive Council

Surname — Mr. / Mrs. / Miss — National Health Service No.

Christian Names

Temporary Address

To be completed by patient.

I hereby declare that I am temporarily residing at the address given above and that I do not intend to remain in the district for longer than 3 months from the date of my arrival. (A parent, guardian, or person in charge should sign on behalf of a child, invalid or other person unable to sign.)

I have received treatment from the doctor whose signature appears below.

Name of Doctor at Home Address.....

Signature.....

Date.....

Home Address .....

.....

To be completed by doctor.

I have accepted the above-named person as a temporary resident and have given treatment.

If doctor is to supply drugs he should enter "D" here.....

If doctor claims mileage he should enter mileage distance here.....

Date..... Signature.....

Code No.....

Given under the official seal of the Minister of Health this twenty-third day of March, nineteen hundred and fifty-three.

(L.S.)

Iain Macleod,
Minister of Health.

EXPLANATORY NOTE

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

These Regulations further amend the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1948. Their purpose is twofold. Firstly they give effect to the recommendations of the Working Party of representatives of the General Medical Services Committee of the British Medical Association and the Health Departments for the improvement of the system of remuneration among General Practitioners:—

(i) by reducing the maximum number of patients whom a General Practitioner can accept under General Medical Services;

(ii) by providing a Distribution Scheme and other arrangements for the remuneration of General Practitioners which incorporate the recommendations of the Working Party; and

(iii) by making certain other minor consequential amendments including revised definitions of "partner", "partnership" and "assistant".

Secondly the Regulations impose through the terms of Service for practitioners certain restrictions on the carrying on of a medical practice at the surgery premises of a practitioner who has died or retired and in respect of whose practice a vacancy has been advertised. This provision has been made in order to give to a General Practitioner who has been appointed by the Medical Practices Committee to succeed to the vacant practice an opportunity to establish himself in the practice in accordance with the decision of the Medical Practices Committee.