1953 No. 542 (S. 49)

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) (Amendment No. 3) Regulations, 1953

Made - - - -	*25th March*, 1953
Laid before Parliament	*26th March*, 1953
Coming into Operation	*1st April*, 1953

In exercise of the powers conferred upon me by sections 33, 34 and 72 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. 3) Regulations, 1953, and shall come into operation on the 1st day of April, 1953.

(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) In paragraph (1) of regulation 2 for the definition of "assistant" there shall be substituted the following definition:—

> "'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 approved by the Secretary of State."

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

> "(1A) (*a*) 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 Scottish Medical Practices Committee, 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**) 10 & 11 Geo. 6. c. 27. (**b**) 12, 13 & 14 Geo. 6. c. 93. (**c**) 52 & 53 Vict. c. 63.
(**d**) S.I. 1948/1258; Rev. XV, p. 857; 1948 I, p. 2393.
(**e**) 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; 1953/366, 541: 1949 I, pp. 2655, 2656, 2659; 1950 I, pp. 1446, 1447, 1450, 1451; 1951 I, pp. 1416, 1419; 1952 II, p. 2099; 1953 I, p. 1306.

Provided that the Scottish Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal.

(*b*) A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant."

(3) At the end of paragraph (3) of regulation 4 there shall be added the following proviso:—

"Provided that for the purposes of this paragraph a partner shall include any partner who is otherwise deemed under the regulations to be an assistant, and an assistant shall not include such a person."

(4) In paragraph (2) of regulation 13(**a**) for the figures "4,000", "5,000" and "2,400" wherever they occur there shall be substituted the figures "3,500", "4,500" and "2,000" respectively.

(5) Paragraph (3) of regulation 13 shall be deleted.

(6) For paragraph (2) of regulation 18 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 the three months, as the case may be.

(3) Where such a person (*a*) leaves the United Kingdom with the intention of being away for a period in excess of three months or (*b*) enlists in Her Majesty's 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 accordance with a notice given under paragraph (2) 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."

(7) For regulation 27 there shall be substituted without prejudice to any rights or obligations already acquired or incurred thereunder the following regulation:—

"27.—(1) For the year ending 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

(**a**) Paragraph (2) of regulation 13 of the principal regulations was previously amended by S.I. 1950/1685; 1950 I, p. 1451.

Medical Committee, decide to adopt as clause 13 of the scheme (providing for payment for emergency treatment) either alternative A or alternative B therein provided, and shall forthwith inform the Secretary of State of their decision.

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

Provided that the scheme as modified or 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 first day of April following the date on which the scheme is modified or altered and shall then remain in operation at least until the thirty-first day of March following, 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 approval of the Secretary of State, 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 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 Local Medical Committee, be modified or altered in respect of the Council's area by the Secretary of State in such manner as he may determine."

(8) In regulation 28 for the words "paragraph 3" there shall be substituted the words "paragraph 2".

(9) At the end of paragraph 8 of Part I of the First Schedule there shall be added the following sub-paragraph:—

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

(10) In sub-paragraph (2) of paragraph 10 of Part I of the First Schedule there shall be inserted after the word "partner" each time it appears the words "deputy or assistant".

(11) For Part II of the First Schedule 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* 27:—

(*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 Secretary of State may direct)

included in a practitioner's list. The payment shall not be less than such sum as the Secretary of State shall determine after consultation with an organisation recognised by him as representative of 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 Secretary of State. The payment shall not be less than such sum as the Secretary of State may determine after consultation with an organisation recognised by him as representative of general practitioners;

(*c*) payment in respect of the treatment of temporary residents;

(*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 of obligations arising from emergency night calls in respect of persons not on his list;

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

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

(*h*) the method of calculating a practitioner's list including, in the case of a partnership, adjustment with the approval of the Council or, on appeal, the Scottish Medical Practices Committee, 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:

Provided that the Scottish Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal;

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

(*j*) the method of payment to practitioners practising in partnership;

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

(*l*) such other matters, if any, as may be required.

2. *Payments made otherwise than under the distribution scheme:—*

(*a*) an initial practice allowance, that is to say, an allowance payable for a period not exceeding three years either to a practitioner who has recently set up or is about to set up in

single-handed practice or is appointed to succeed to such a practice in an area where, in the opinion of the Scottish Medical Practices Committee after consultation with the Executive Council, the establishment of a practice is necessary for an efficient service or to a practitioner in receipt of a fixed annual payment on 31st March, 1953, under the regulations then in operation:

Provided that where a practitioner is refused such payment by the Council on any ground other than that the establishment of the practice is not necessary for an efficient service, he shall be entitled to appeal to the Scottish Medical Practices Committee, who shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal;

(*b*) payment to assist certain practitioners who 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 is in the opinion of the Secretary of State, after consultation with the Scottish Medical Practices Committee, sparsely populated or for any 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 arrangements approved by the Secretary of State;

(*e*) payments 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;

(*h*) payments in respect of general medical services to workmen residing in camps, under an arrangement approved by the Secretary of State; and

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

(12) After Part II of the First Schedule there shall be added as Part IIA the Part set out in the Schedule to these regulations.

Dated this 25th day of March, 1953.

James Stuart,

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

SCHEDULE

To be added as Part IIA of the First Schedule to the principal regulations.

PART IIA

REMUNERATION OF PRACTITIONERS

Interpretation *Distribution Scheme*

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

"the Act" means the National Health Service (Scotland) Act, 1947, 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, and approved by the Secretary of State.

"capitation payments" means payments (other than loadings) based on the number of persons included in a practitioner's list.

"Council" means the Executive Council for .....

"loadings" means additional payments payable to a practitioner other than an assistant in respect of each person within the range 501 to 1,500 on a practitioner's list or such other range as is notified for the time being to the Council by the Secretary of State.

"Local Medical Committee" means the Local Medical Committee for.....

"practitioner" means a registered medical practitioner providing general medical services under the Act.

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

"regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948 (S.I. 1948 No. 1258), as amended.

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

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

"trainee general practitioner" means an assistant practitioner in respect of whom a supervision fee is payable under arrangements approved by the Secretary of State.

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

(2) For the purposes 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 Scottish Medical Practices Committee 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 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 their medical list 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 to raise any subsequent objection to it, or to any payment based upon it.

(2) Where the notice of acceptance by a practitioner of a person is received by the Council not later than forty-eight hours after the commencement of a quarter, the person shall be deemed for the purpose of paragraph (1) above to have been included in the practitioner's list on the first day of the quarter.

(3) A practitioner who notifies the Council that he disputes the correctness of the statement under paragraph (1) above shall submit to the Council within twenty-one days such evidence as they may reasonably require from him 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 Executive Council or other Executive Councils, or

(*b*) is practising in partnership with a practitioner or practitioners, one or more of whom is on the list of another Executive Council or other Executive Councils, and it has been decided that the arrangements under clause 7 of this Scheme shall apply in respect of the partnership,

the Council shall consult with the other Executive Councils concerned and in conjunction with them decide which Executive Council shall be responsible for determining the total number of persons on the lists of the practitioner or practitioners concerned. Where the Council accept this responsibility in respect of a practitioner they shall ascertain each quarter from the other Executive Councils concerned the number of persons on the list of the practitioner in the area of these Executive Councils (these numbers having been adjusted as necessary following any representations made by the practitioner under clause 2 above).

Calculation of Quarterly Capitation Payments and Loadings

4. Subject as hereinafter provided in clauses 5 to 12, a practitioner shall be entitled to receive each quarter from the Council capitation payments and loadings, calculated at such rates as the Secretary of State 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 payments made under clauses 5 to 12 hereof) shall not exceed an amount calculated by reference to the aforesaid maximum number together with any additional number which the Secretary of State may direct, the aggregate of these numbers being hereinafter referred to as the " limiting number ".

5.—(1) In respect of each practitioner for whom they are the responsible Council in terms of clause 3, the Council shall notify each other Executive Council concerned of the number of persons on the practitioner's list at the first day of each quarter in the area of that Executive Council in respect of whom loadings are payable; the apportionment between the respective Executive Councils of the total number of loadings in respect of each practitioner being made by the Council in proportion to the total number of persons on the practitioner's list in the area of each Executive Council.

(2) Where, in the case of a practitioner in respect of whom the Council are the responsible Council, the total number of persons on his list in the areas of all the Executive Councils concerned exceeds the appropriate limiting number referred to in clause 4 above, the Council shall notify each other Executive Council concerned of the number of persons on the practitioner's list at the first day of each quarter in the area of that Executive Council in respect of whom capitation payments are payable; the apportionment between the respective Executive Councils of the limiting number being made by the Council in proportion to the total number of persons on the practitioner's list in the area of each Executive Council.

6. In respect of a practitioner on the medical list of the Council for whom another Executive Council act as the responsible Council, the number of loadings, and, if the circumstances in clause 5 (2) above 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 their patients were divided among them on a basis other than the existing basis the aggregate of the numbers of persons on the list of all the partners shall be allocated between the partners on a basis agreed among them for the purpose of calculating the total number of loadings to be paid to the practitioners under clauses 4 to 12 of this Scheme; the number of loadings to be paid to each partner shall be that proportion of that 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, shall exclude a partner from these arrangements where it appears to that Council or, on appeal, to the Scottish Medical Practices Committee, that for any reason the partner should be excluded, and where a partner is so excluded he shall be entitled to such payments as he would be entitled to if he were practising in single-handed practice.

8.—(1) A practitioner whose name has for any reason ceased to be included in the medical list in the course of a quarter shall be entitled to a proportionate part of the amount which would have been payable for the whole of the quarter in respect of the number of persons on his list, the apportionment being based on the number of days in the quarter on which his name was included in the medical list.

(2) Where persons have been transferred or deemed to have been transferred from the list of a practitioner whose name has ceased to be included in the medical list, the practitioner to whose list they have been transferred or deemed to have been transferred shall be entitled to a proportionate part of the amount which would have been payable in respect of the persons so transferred had they been included on his list on the first day of the quarter, the apportionment being based on the number of days in the quarter on which their names were included in his list.

(3) Where a practitioner to whom persons have been transferred in accordance with the preceding paragraph is on the medical list of another Executive Council or other Executive Councils, and the Council are the responsible Council in respect of him, they shall notify the other Executive Councils concerned of the total number of loadings, if any, to which he has thus become entitled, and the date from which this number applies, being the date on which the transfer of persons took effect.

(4) Where a practitioner to whom persons have been transferred in accordance with paragraph (2) of this clause is on the medical list of another Executive Council or other Executive Councils and another Executive Council is the responsible Council in respect of him, the Council shall notify the responsible Council of the number of persons transferred and of the date on which the transfer took effect, and request them to determine the number of loadings, if any, to which the practitioner becomes entitled in the area of the Council.

(5) Where, following a notice given under regulation 14 (2) of the regulations, as amended, a person chooses another practitioner within the period of one month prescribed in that regulation, 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 the person to the chosen practitioner in accordance with the provisions of paragraph (2) of this clause 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 during the quarter ceased to practise at one of such addresses and the number of persons on his list has on that account been reduced or where a practitioner has reduced the number of persons on his list on ceasing to employ an assistant or on entering into partnership with that assistant or other practitioner and persons thereby removed from his list have been transferred to or accepted by one or more practitioners, payment shall be made in respect of such persons in accordance with the provisions of clause 8 above.

10. Where the list of a practitioner 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 to the practitioner and the capitation payments which would otherwise be due to him in accordance with the foregoing paragraphs shall be reduced by 20 per cent.

11. The payments which would otherwise be due under the foregoing clauses to any practitioner, other than a practitioner to whom clause 10 above applies, shall be reduced—

(*a*) by 5 per cent. where the practitioner has been exempted by the Allocation Committee from liability to have persons assigned to him under the Allocation Scheme; and

(*b*) by 10 per cent. where the practitioner has been exempted by the Allocation Committee from liability for emergency night calls for persons not on his list (other than temporary residents whom he has accepted for treatment).

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, one or more practitioners are appointed under regulation 15 of the regulations, the practitioner or practitioners so appointed shall be entitled to a proportionate part of the amount which would have been payable to the practitioner whose name has ceased to be included in the medical list, the apportionment being based upon the duration in days of the appointment:

Provided that—

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

(*b*) the practitioner or practitioners appointed by the Council shall, if the Council after consultation with the Local Medical Committee so decide, be paid for the duration of the appointment a weekly sum determined by Council after consultation with the Local Medical Committee which remuneration shall be the sole remuneration payable by the Executive Council in respect of the appointment. In these circumstances the Council may also, after consultation with the Local Medical Committee, make payments in respect of the expenses necessary to enable the practice to be carried on.

Payment for Emergency Treatment

Alternative A—General Scheme

13.—(1) Subject as hereinafter provided, where a practitioner on the medical list of the Council is summoned to provide and provides treatment under the terms of the Allocation Scheme in case of accident or other emergency in respect of a person not on his list or on that of his partner, payment shall be made in accordance with the provisions of paragraph (7) below.

(2) A claim for payment in the form prescribed in Appendix A to this Scheme (or a form to the like effect) shall be sent by the practitioner to the Council within 21 days after he is summoned to provide the treatment or, where special cause is shown, such longer period not exceeding two months as the Council, after consultation with the Local Medical Committee, shall allow.

(3) The Council shall before making payment submit the claim to the Local Medical Committee, who shall have power to determine whether any item claimed should be disallowed:

Provided that before exercising this power the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing.

(4) Where the claim is allowed by the Local Medical Committee 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 are 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:

Provided that—

(*a*) before deciding to recommend such deduction the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing;

(*b*) 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 (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, no deduction shall be made pending the outcome of the investigation.

(5) No payment shall be made by the Council where a practitioner is entitled to receive a fee under section 16 of the Road Traffic Act, 1934, except where the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover the fee.

(6) If an application for treatment is made to a practitioner by or on behalf of a person remaining in the district for less than twenty-four hours, the treatment shall be deemed for the purposes of payment to have been given in an emergency within the meaning of paragraph (1) above, and not in accordance with clause 15 of this Scheme, which provides for payment for the treatment of temporary residents.

(7) (*a*) The normal scale of fees for emergency treatment shall be as follows:—

	£	s.	d.
(i) Emergency consultation (at any place or time)		8	6
(ii) Minor surgical operation requiring—			
Local or general anaesthetic		15	0
Treatment of fracture		15	0
Reduction of dislocation		15	0
(iii) Administration of general anaesthetic	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: provided 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 by the Council to the practitioner for the service.

Alternative B—"Knock-for-knock" Scheme

13.—(1) Where a practitioner on the medical list of the Council is summoned to provide and provides treatment under the terms of the Allocation Scheme in case of accident or other emergency in respect of a person not on his list or on that of his partner, no payment for the treatment will normally be made:

Provided that if the practitioner 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 circumstances in which he was called upon to provide such treatment were of a wholly exceptional nature, he may make claim for payment.

(2) Such claim shall be made to the Council within twenty-one days after the practitioner is summoned to provide the treatment or, where special cause is shown, such longer period not exceeding two months as the Council, after consultation with the Local Medical Committee, shall allow.

(3) The Council shall refer such claims to the Local Medical Committee who if they consider that the circumstances are exceptional shall recommend to the Council the payment of such amount as the Committee think fit.

(4) Where a claim is allowed by the Local Medical Committee in whole or in part, the Council shall pay to the practitioner the amount determined by the Committee.

(5) As paragraph (5) of Alternative A.

(6) As paragraph (6) of Alternative A.

Special Payments for providing the Services of Anaesthetists

14.—(1) Subject as hereinafter provided, where 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. shall be payable to the practitioner who is responsible for providing the services of the anaesthetist.

(2) A claim for payment on the form prescribed in Appendix B to this Scheme (or a form to the like effect) shall be sent by the practitioner to the Council within twenty-one days after the date on which the services are provided.

(3) The Council shall before making payment submit the claim to the Local Medical Committee, who shall have power to determine whether any part of it should be disallowed:

Provided that before making any such determination the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing.

(4) Where the claim is allowed by the Local Medical Committee in whole or in part the Council shall pay to the practitioner the amount due.

(5) 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.

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

Payment for the Treatment of Temporary Residents

15.—(1) Subject to clause 13 (6) above, payment shall be made to practitioners for the treatment of temporary residents under regulation 17 of the regulations in accordance with the following arrangements:—

(*a*) Notification that treatment has been given shall be made to the Council on the form prescribed in Appendix C to this Scheme (or a form to the like effect).

(*b*) Payment shall be made only where the Council are satisfied that treatment has actually been given.

(*c*) Payment shall be at the rate of 5s. for treatment given to a temporary resident who is residing at a place which the Council, after consultation with the Local Medical Committee, have classified as a convalescent home or other institution where special arrangements for medical services are made, being a place of residence at which ten or more persons reside temporarily, and where the Council are satisfied that the practitioner is in regular attendance, and payment for the treatment of all other temporary residents shall be at the rate of 17s.: provided that these rates may be varied by the Council, after consultation with the Local Medical Committee.

(*d*) Only one payment 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.

(2) Claims for payment for treatment given to temporary residents shall be made by practitioners not later than the end of the quarter following that in which treatment was terminated.

Arrangements for Payment

16. The payments due in accordance with the foregoing paragraphs shall be made not later than the last day of the quarter, provided that:—

(*a*) 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 the matter in dispute and shall make any adjustment which may subsequently prove necessary in the payment for a succeeding quarter.

(*b*) 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.

(*c*) If after the payment is made for a quarter it appears that, owing to an error on the part of the Council or of the practitioner or for any other reason, 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 clause 2 of this Scheme, make an appropriate deduction from, or addition to, the amount to be paid to him for a succeeding quarter.

(*d*) In respect of claims made under clauses 13 and 14 above which are allowed by the Local Medical Committee at least fourteen days before the end of the quarter, payment shall be made on the last day of the quarter; in respect of claims allowed less than fourteen days before the end of the quarter, payment shall be made on the last day of the next quarter.

(*e*) In respect of claims made under clause 15 above payment shall be made on the last day of the quarter following the quarter in which the claim for payment is made: provided that where under the proviso to sub-paragraph (*c*) of paragraph (1) of clause 15 above the amount payable to a practitioner is greater than the amount otherwise payable under that sub-paragraph, the additional amount payable under the proviso shall not be paid until the supplementary sum available to the Council in terms of clause 19 of this Scheme has been notified to the Council and the appropriate deduction in terms of sub-paragraph (*c*) of paragraph (4) of that clause has been made from the supplementary sum.

17. 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 valid discharge to the Council.

Advances on Account

18. 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 satisfies the Council that it would involve difficulty or hardship if payment were not made 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 Secretary of State 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

19.—(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 of this clause.

(2) The supplementary sum notified by the Secretary of State shall be increased or decreased, as the case may be, by the amount by which any payments made by the Council under proviso (*b*) to clause 12 above (temporary arrangements for carrying on a practice) fall short of or exceed respectively the amounts which, but for this proviso, would have been payable to the practitioner or practitioners concerned.

(3) The supplementary sum notified by the Secretary of State shall be increased by the amount, if any, by which the total payments made by the Council during the year under sub-paragraph (*c*) of paragraph (1) of clause 15 above (payment for the treatment of temporary residents) falls short of the total amount which, but for the proviso to that sub-paragraph, would have been payable to the practitioners concerned.

(4) Subject to any directions given by the Secretary of State in respect of any particular financial year there shall be deducted from the supplementary sum adjusted as necessary in accordance with paragraphs (2) and (3) above:—

(*a*) the amount of any payments made to practitioners during the year under clause 13 above (payment for emergency treatment) in so far 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 clause 14 above (special payments for providing the services of anaesthetists);

(*c*) such amount as may be required to provide additional payments to practitioners in respect of the treatment of temporary residents in accordance with the proviso to clause 15 (1) (*c*) above.

(5) The balance shall be apportioned among practitioners in proportion to the amount allocated to them under the provisions of clauses 4 to 12 of this Scheme.

Duration of the Scheme

20. This Scheme shall have effect from 1st April, 1953, until 31st March, 1954, and shall thereafter continue in operation from year to year unless modified or altered in accordance with regulation 27 of the regulations.

APPENDIX A

NATIONAL HEALTH SERVICE, SCOTLAND

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	Time and Place where service rendered	FEES £ s. d.

Nature of accident or emergency.....

.....

Whether the accident was caused by or arose 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.

Note: A patient who is temporarily absent from home and outside the district where his/her doctor normally provides general medical services for 24 hours or longer should be accepted as a "Temporary Resident" and a claim made on Form E.C. 19 (Scotland) (Rev.).

Signed.....

Date.....

Note: This account should be sent to the Clerk of the Executive Council within 21 days after treatment is given.

APPENDIX B

NATIONAL HEALTH SERVICE, SCOTLAND

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 .....

Note: This account should be sent to the Clerk of the Executive Council within 21 days after the date on which the service was rendered.

APPENDIX C

NATIONAL HEALTH SERVICE, SCOTLAND

To be retained by doctor.

CLAIM FOR REMUNERATION FOR TREATMENT GIVEN TO A TEMPORARY RESIDENT

To ..... Executive Council.

Name.

Surname	Mr. / Mrs. / Miss	National Health Service No.
Christian Names		

Temporary Address.

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. I have received treatment from the doctor whose signature appears below. (A parent, guardian, or other person in charge should sign on behalf of a child, invalid, or other person unable to sign.)

Signature .....
Home Address .....
.....

Date .....
Name of doctor at home .....

To be completed by doctor

I have accepted the above-named person for treatment as a temporary resident and have given treatment for which I claim to be remunerated.

If doctor is a dispensing doctor and claims capitation fee for drugs he should enter " D " here.....

If—in areas where mileage schemes operate and mileage payments in respect of treatment of temporary residents are made—doctor claims mileage payment, he should enter here distance, in miles, between his residence and the patient's temporary residence .....

Date .....

Signature .....

Ref. No. .....

EXPLANATORY NOTE

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

These Regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, by making alterations in the arrangements for the payment of doctors, in accordance with the recommendations of the Working Party on the Distribution of Remuneration among General Practitioners, and by making certain minor amendments.