1954 No. 669

The National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954

Made - - - -	*20th May*, 1954
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Coming into Operation	*1st June*, 1954

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The Minister of Health, in exercise of the powers conferred on him by sections 32, 33, 34, 35, 38, 39, 45 and 74 of, and the Fifth and Sixth Schedules to, the National Health Service Act, 1946(**a**), as amended by the National Health Service (Amendment) Act, 1949(**b**), and of subsection (6) of section 7 of the National Health Service Act, 1952(**c**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

General

Short title and commencement

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954, and shall come into operation on the first day of June, 1954.

Interpretation

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

"the Act" means the National Health Service Act, 1946;

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.

" appliance " means an appliance which is, by virtue of regulation 31 of these regulations, a prescribed appliance for the purposes of section 38 of the Act ;

" assistant " means a medical practitioner who acts as an assistant to a medical practitioner and includes a practitioner who by virtue of paragraph (3) of this regulation is deemed not to be carrying on practice in partnership or to be a partner ;

" chemist " means a registered pharmacist who provides pharmaceutical services or an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933(a), who provides such services ;

" Council " means, in relation to any area, the Executive Council constituted for that area ;

" drugs " includes medicines and such chemical reagents as are for the time being prescribed ;

" enactment " includes an enactment in a regulation ;

" Local Obstetric Committee " means a committee recognised by the Minister for the purpose of approving the obstetric experience of a medical practitioner ;

" maternity medical services " means the provision of personal medical services in respect of a confinement by a practitioner ;

" medical card " means a card issued to a person, in a form approved by the Minister, for the purpose of enabling him to obtain or establishing his title to receive general medical services other than maternity medical services from a practitioner and includes any similar card provided for the purpose of enabling a person to obtain medical benefit under the National Health Insurance (Medical Benefit) Regulations, 1936(b) ;

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

" medical practitioner having obstetric experience " means a practitioner whose experience in obstetrics is for the time being approved by the Local Obstetric Committee ;

" practice declared vacant " means a practice rendered vacant by the death or the removal or withdrawal of a practitioner from the medical list as respects which the Council or a duly authorised committee of the Council have resolved that a practitioner is required to succeed to the practice ;

" practitioner " means a registered medical practitioner ;

" scheduled appliances " means the appliances specified in the sixth schedule to these regulations ;

" treatment " means medical attendance and treatment and includes the issue of certificates referred to in the fifth schedule being medical certificates reasonably required under, or for the purposes of, any enactment, and the keeping and furnishing of any records, and the preparation and transmission of any reports, in accordance with the terms of service set out in part I of the first schedule to these regulations, but does not include maternity medical services unless a practitioner has undertaken to provide the person concerned with such services in accordance with these regulations.

(a) 23 & 24 Geo. 5. c. 25. (b) S.R. & O. 1936/1163 (1936 II, p. 1877).

(2) These regulations shall apply to a person, firm or body corporate (other than a chemist or a medical or dental practitioner) providing pharmaceutical services as they apply to a chemist.

(3) For the purposes of these regulations, except when 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 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.

(4) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(5) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provision thereof, as the case may be.

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

PART II

Medical Practitioners

Terms of service for medical practitioners

3. The arrangements which a Council is required by section 33 of the Act to make with practitioners for the provision of personal medical services shall incorporate the terms of service contained or referred to in part I of the first schedule to these regulations.

Medical list

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

(2) The medical list shall include the names of practitioners having obstetric experience who have undertaken to provide maternity medical services and shall show by distinguishing marks or otherwise which of them have obstetric experience and which of them are included in the list for the purpose of providing maternity medical services only.

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

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

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

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

(*d*) any conditions as to the area of practice attached to the granting of an application by the Medical Practices Committee or, on appeal, by the Minister,

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

(a) 52 & 53 Vict. c. 63.

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

(5) The Council shall send a copy of the medical list to the Minister, the Medical Practices Committee, the Local Medical Committee, the Local Obstetric Committee and the Local Pharmaceutical Committee, the Local Health Authority, the Regional Hospital Board, the Hospital Management Committees of hospitals serving the area, the Board of Governors of any teaching hospital in the area, and any person under contract with the Council to provide pharmaceutical services, and at intervals of not more than three months shall notify them of any alteration made in the medical list:

Provided that in the case of persons providing pharmaceutical services, Boards of Governors and Hospital Management Committees the Council may send to them the portions of the list which appear to the Council to concern them.

(6) Where a Council has determined in accordance with the succeeding provisions of this regulation that a practitioner whose name has been included for the preceding 6 months in the list of medical practitioners undertaking to provide general medical services in the Council's area—

(*a*) has never provided such services for persons in the area since his name was last included in the list, or

(*b*) has for the preceding 3 months ceased to provide such services for such persons,

the Council shall, after giving the practitioner 28 days' notice of their decision to do so, remove his name from the list unless the Minister directs to the contrary as hereinafter provided.

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

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

(*b*) consult the Local Medical Committee for the area.

(8) A practitioner on whom a notice has been served under paragraph (6) of this regulation may within 21 days of receipt of the notice appeal to the Minister against a decision of the Council to remove his name from the list in question, and pending the determination of the appeal the Council shall not remove the practitioner's name from the list.

The notice of appeal shall be in writing and shall set out the facts and contentions on which the practitioner intends to rely ; and on any such appeal the Minister shall, if he allows the appeal, direct that the Council shall not remove the name of the practitioner from the list.

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

(10) Nothing in this regulation shall affect a practitioner who is called up, voluntarily or otherwise, for national service under the National Service Act,

1948, or in any national emergency and no determination under this regulation shall be made in respect of any such practitioner until 6 months after he has completed his period of service.

Applications for inclusion in the medical list or to succeed to a vacancy

5.—(1) Application by a practitioner for inclusion in a medical list, except in a case to which paragraph (2) of this regulation applies, shall be made by delivering or sending the application by post to the Council in the form set out in part IV of the first schedule to these regulations or in a form to the like effect.

(2) Application by a practitioner in the case of succession to a practice declared vacant, or in a case where the Council have resolved that an additional practitioner is required in a district otherwise than in succession to another practitioner, shall be made in the manner aforesaid in the form set out in part V of the said schedule or in a form to the like effect.

(3) On receipt of an application under this regulation the Council shall transmit the application to the Medical Practices Committee together with a report on a form approved by the Committee.

Reports by Council to Medical Practices Committee

6.—(1) Every Council shall, once in every year or at such more frequent intervals as the Medical Practices Committee may require, furnish the Committee with such information as may be required by the Committee to enable them to judge the adequacy of the medical services in the area of the Council or any part thereof.

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

Advertisement of vacancies

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

PART III

Medical Practices Committee

Appointment of members and tenure and vacation of office

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

(2) The Chairman and other members in office at the coming into operation of these regulations shall continue to hold office for the periods for which they were respectively appointed.

(3) In case of a vacancy in membership at the coming into operation of these regulations or in case of a casual vacancy subsequently occurring a person shall be appointed to fill the vacancy for the remainder of the period for which his predecessor was appointed.

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

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

(6) A member may resign from the Committee by giving notice in writing to the Minister, and a member who is appointed as being a person actively engaged in medical practice shall be deemed to have resigned if he ceases to be so engaged.

Procedure for the determination of applications

9.—(1) Subject to the next following paragraph a decision of the Committee to grant an application to which regulation 5 of these regulations applies shall be given in such manner as the Committee may determine.

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

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

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

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

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

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

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

Appeal to the Minister

10.—(1) A practitioner may appeal to the Minister against the refusal of an application to which regulation 5 of these regulations applies or the granting of such application subject to conditions by sending to the Minister notice of appeal within seven days, or such longer period as the Minister may allow, from the date on which the notice of the decision of the Committee is given to him.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

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

(4) If the Minister is of opinion that an oral hearing is required, he shall appoint one or more persons to hear the appeal.

(5) An oral hearing shall take place at such time and place as the Minister may direct and notice of the hearing shall be sent by post to the appellant, the Committee, the Council and any practitioner whose application for appointment to the vacancy to which the application relates was granted, not less than seven days before the date fixed for the hearing.

(6) The appellant and any of the parties to whom notice of the hearing is required to be given may attend and be heard in person or by counsel or solicitor or other representative. The Committee and the Council may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(7) Subject as aforesaid the procedure at the oral hearing shall be such as the person or persons hearing the appeal may determine.

(8) The person or persons hearing the appeal shall as soon as may be after the hearing draw up a report, stating the relevant facts and his or their conclusions, and the Minister after taking the report into consideration shall give his decision and communicate it to the appellant, the Committee, the Council and such practitioners as have under the foregoing provisions of this regulation been served with notice of the hearing.

Certificate that transaction does not involve sale of goodwill

11. A certificate issued by the Committee under subsection (9) of section 35 of the Act shall be in the form set out in the second schedule to these regulations or in a form to the like effect.

PART IV

Method of obtaining general medical services other than maternity medical services

Selection of practitioner

12. Application by a person for acceptance by a practitioner for inclusion in his list shall be made by delivering to the practitioner either a medical card or a signed form of application for acceptance on his list.

Allocation scheme

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

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

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

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

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

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

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

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

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

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

(*a*) in the case of a practitioner carrying on practice otherwise than as an assistant or in partnership 3,500 ;

(*b*) in the case of two or more practitioners carrying on practice in partnership 4,500 on the list of any partner and an average of 3,500 on the list of both or all the partners.

(3) Where a practitioner or a partnership of practitioners employs one or more permanent assistants, the number of persons for whose treatment the practitioner or practitioners may be responsible may, and, if the Minister so directs, shall, be increased to an extent allowed by the scheme not exceeding 2,000 in respect of each assistant.

(4) Where an assistant has a list of patients of his own, the patients shall be deemed, for the purpose of any calculation under paragraphs (2) and (3) of this regulation, to be the patients of the practitioner or partnership employing the assistant.

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

(6) The allocation scheme may also provide for the application with the necessary modifications of the provisions of paragraph (3) of regulation 14 of these regulations to the case of—

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

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

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

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

(8) The provisions of the allocation scheme shall be subject to the approval of the Minister.

(9) The Council, after consultation with the Local Medical Committee and with the approval of the Minister, may from time to time amend the allocation scheme.

(10) If the Local Medical Committee require any amendment of the allocation scheme, the scheme may, in default of agreement between the Council and the Committee, be amended by the Minister.

(11) If the Council fail to submit an allocation scheme to the Minister within such time as he may direct, the Minister may make a scheme, and any scheme so made shall have effect within the area of the Council as if it had been prepared by the Council and approved by the Minister.

Change of practitioner

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

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

(*a*) the consent of the practitioner in whose list the name of the person is included has been given, and has been written, signed and dated on the medical card, or

(*b*) the person has given notice in writing to the Council of his intention to transfer to another practitioner and has forwarded to the Council his medical card, or, if the card is lost or mislaid, has made an application for a new card on a form to be supplied by the Council:

whereupon he will be informed by the Council of the date (being fourteen days after the first receipt of the notice by the Council) on which another practitioner is authorised to accept him:

Provided that where the medical card or completed form of application for a new card is not forwarded with the original notice or within seven days thereafter, the said date shall be seven days after the receipt by the Council of the medical card or completed form.

Any authorisation given by the Council under this paragraph shall be valid for one month and no longer.

(3) Subject as hereinafter provided, the Council shall, on the death or on the removal or withdrawal from the medical list of a practitioner, give to the persons on the list of the practitioner notice of their right to apply to another practitioner on the list for acceptance.

(4) Where a successor is appointed to a practice declared vacant, the Council shall notify the persons on the list of the practitioner to whom the practice last belonged of the name and address of the successor and, if the successor is practising in partnership, of the names and addresses of each of the partners:

Provided that in respect of any such persons residing in a particular part of the district the Medical Practices Committee, or if the Minister has allowed an appeal against the Committee's decision respecting the succession to the practice the Minister, may, if they or he think fit, deem another practitioner to be the successor, and the Council shall notify the said persons accordingly.

(5) Where, on the death or on the removal or withdrawal from the medical list of a practitioner, the practice is not declared vacant and the Council and the Local Medical Committee are of opinion that one or more practitioners on the list should be regarded as succeeding in whole or in part to the practice of the first-mentioned practitioner, the Council shall notify

the persons on the list of that practitioner of the name and address of the successor and, if the successor is practising in partnership, of the names and addresses of each of the partners.

(6) Any notice given under either of the last two preceding paragraphs shall state that the successor is willing to accept the person on whom it is served and that person shall be deemed to be included in the list of the successor as from the date given in the notice unless within fourteen days he has chosen another practitioner or given notice in writing to the Council of his desire not to be so included.

Temporary arrangements for practice on retirement, death, &c.

15.—(1) 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 or transfer to the list of another practitioner, the Council may, after consultation with the Local Medical Committee, appoint one or more practitioners to undertake the treatment of such persons and may make such arrangements as they think fit for the accommodation and other needs of a practitioner so appointed:

Provided that where the name of a deceased practitioner ceases to be included in the medical list, and any person within seven days of the date of death makes application to the Council on behalf of the estate of the deceased practitioner and the Council are satisfied that he is acting in the interests of the estate, they may, instead of making an appointment under this paragraph, authorise that person to appoint one or more practitioners to undertake as the deputy or deputies of the deceased practitioner the treatment of persons who were on the list of the deceased practitioner immediately before his death.

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

During the period of any such appointment the name of any person who has not been transferred to another practitioner shall be deemed to remain on the list of the practitioner whose name has ceased to be included in the medical list.

Removal of person from practitioner's list

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

(2) Where the Council after due inquiry are satisfied either—

(*a*) that a person, whose name is included in the list of a practitioner providing general medical services in the area of the Council, no longer resides permanently in the area or in that part of the area where the practitioner has undertaken to provide such services, or

(*b*) that the whereabouts of such a person are no longer known to the Council,

and that the practitioner is no longer responsible for providing the person with general medical services, the Council shall give to the practitioner notice in writing that they intend, at the end of the period specified therein (being a period of six months commencing with the date of the notice or such shorter period as in a particular case the Minister may determine after consultation with such organisations as he may recognise as representing the medical profession), to remove the name of the person from the practitioner's list unless within that period the practitioner satisfies the Council that he is still responsible for providing general medical services for the person.

(3) If at the end of the said period the practitioner has not satisfied the Council as aforesaid, they shall remove the name of the person from his list and give notice of the removal to the practitioner and the person at their last known address.

Arrangements for temporary residents

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

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

(3) For the purposes of this regulation the residence of a person shall be deemed to be temporary if at the time of his arrival in a district he intends to remain there for a period of not more than three months:

Provided that if his stay in the district extends to more than three months his residence shall at the end of that period cease to be regarded as temporary.

Practitioners' lists

18.—(1) The Council shall prepare and keep revised up to date a list of persons for whose treatment each practitioner is for the time being responsible and shall from time to time furnish the practitioner with information in such form as the Minister may determine with regard to persons included in or removed from that list.

(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 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 pursuance of a notice given under paragraph (4) or (5) 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.

PART V

Method of obtaining maternity medical services

Application for services

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

(*a*) with any practitioner on a medical list having obstetric experience, or

(*b*) with the practitioner in whose list her name is included.

Change of practitioner

20.—(1) If a practitioner ceases to provide maternity medical services he shall give to any person for whom he has arranged to provide maternity medical services notice of the fact and of her right to make fresh arrangements in accordance with the last preceding regulation.

(2) A practitioner who has arranged to provide maternity medical services for any person may agree with that person to terminate the arrangement, and the person may then make fresh arrangements in accordance with the last preceding regulation.

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

Arrangements for temporary residents

21. If a person requires maternity medical services and is a temporary resident, she may arrange for the provision of such services as she may require during her period of temporary residence, with any practitioner having obstetric experience who is on the medical list for the area. Arrangements made under this regulation may form part of any arrangements made under regulation 19 of these regulations.

PART VI

Remuneration of Practitioners

Remuneration under distribution scheme

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 III of the first schedule to these regulations; and either paragraph 14 or paragraph 15 of the scheme (which provide alternative methods of payment for emergency treatment) shall apply in the Council's area according as they may have adopted paragraph 13A or paragraph 13B of the distribution scheme which was enacted in paragraph (13) of regulation 3 of the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1953.

(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.

Other remuneration

23. Practitioners providing general medical services shall be entitled, in addition to any payments made under the distribution scheme, to receive from the Council payments in respect of the matters specified in paragraph 2 of part II of the first schedule to these regulations at such rates and subject to such conditions as the Minister may determine after consultation with such organisations as he may recognise as representative of the medical profession.

PART VII

Chemists

Terms of service for chemists

24. The arrangements which a Council is required by section 38 of the Act to make for the supply of drugs and medicines and prescribed appliances to persons receiving general medical services, and of prescribed drugs and medicines to persons receiving general dental services, shall incorporate the terms of service contained or referred to in part I of the fourth schedule to these regulations:

Provided that, notwithstanding anything in those terms of service, a chemist providing pharmaceutical services shall be under no obligation to supply drugs and appliances except upon payment of the appropriate charge specified in regulation 29 of these regulations.

Preparation of pharmaceutical list

25.—(1) The Council shall prepare a list, to be called "the pharmaceutical list", of the names and places of business of the chemists who are entitled to be included in the list, and the list shall indicate whether they have undertaken to supply drugs or appliances or both and shall distinguish those who are entitled to dispense medicines and shall also indicate the days and hours during which the several places of business are open.

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

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

(4) The Council shall send a copy of the pharmaceutical list to the Minister and to the Local Medical, Pharmaceutical and Dental Committees, and shall within seven days inform each of them of any alteration which may from time to time be made therein.

(5) Where the Council, after consulting the Local Pharmaceutical Committee, are of the opinion that a chemist whose name has been included for the preceding six months in the list of chemists undertaking to provide pharmaceutical services in the Council's area—

(*a*) has never provided such services for persons in the area since his name was last included in the list, or

(*b*) has for the preceding six months ceased to provide such services for such persons,

the Council shall by notice sent to him by prepaid post at his usual or last known address inform him that they are of that opinion and afford him an opportunity of making representations to the Council in writing or, if he so desires, orally to a committee appointed by the Council for the purpose, of which committee at least a third of the members shall be registered pharmacists from a panel nominated by the said Committee.

(6) If the chemist does not make representations during the period of twenty-eight days beginning with the day on which the notice was sent, or the Council, after considering any representations made by him and consulting the said Committee, remain of the opinion aforesaid, they shall remove the name of the chemist from the list and inform him by notice sent as aforesaid that they have done so.

(7) Nothing in paragraphs (5) and (6) of this regulation shall—

(*a*) prejudice the right of the chemist to have his name included again in the list of persons providing pharmaceutical services in the Council's area, in accordance with paragraph (*b*) of section (2) of section 38 of the Act ; or

(*b*) affect a chemist who is called up, voluntarily or otherwise, for national service under the National Service Act, 1948(**a**), or in any national emergency ;

and the name of a chemist who is called up as aforesaid shall not be removed from a list under the last foregoing paragraph during his service or during the period of six months after the completion of his service.

Schemes for securing proper pharmaceutical service

26.—(1) The Council, after consultation with the Local Pharmaceutical Committee, shall prepare schemes for testing the quality and amount of the drugs and appliances supplied and for securing that one or more places of business on the pharmaceutical list in each district shall at all reasonable times be open and the latter scheme shall specify the days and hours during which such places shall be open.

(2) In the event of the Council and the Committee failing to agree on any provision of the schemes, the matter shall be referred to the Minister whose determination shall be final.

(3) The provisions of any such scheme shall be subject to the approval of the Minister.

(**a**) 11 & 12 Geo. 6. c. 64.

(4) The Council after consultation with the Local Pharmaceutical Committee may from time to time amend any such scheme subject to the approval of the Minister.

(5) If the Local Pharmaceutical Committee require any amendment of any such scheme, the scheme may, in default of agreement between the Council and the Committee, be amended by the Minister.

(6) The number of tests to be taken annually in pursuance of a scheme for testing the quality and amount of drugs and appliances supplied shall be such as the Minister, after consultation with the Council and the Local Pharmaceutical Committee, may from time to time determine.

Prices and standards of drugs and appliances

27. For the purpose of enabling arrangements to be made for the supply of drugs and appliances of proper quality, the Minister shall cause to be prepared a statement (in these regulations referred to as " the Drug Tariff ") which shall include—

(*a*) the prices on the basis of which the payment for drugs and appliances ordinarily supplied is to be calculated ;

(*b*) the method of calculating the payment for drugs not mentioned in the Drug Tariff ;

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

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

(*e*) the standards of quality for drugs ;

(*f*) specifications for appliances and prescribed chemical reagents.

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

Charges for drugs and appliances

28. Any person supplied in pursuance of section 38 of the Act with drugs and appliances in accordance with orders given by medical or dental practitioners shall be liable to pay to the person supplying the same the following charges—

(*a*) such sum as is specified in the sixth schedule hereto as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of one shilling in respect of the drugs and appliances supplied to him by virtue of every prescription form which does not include an order for the supply of a scheduled appliance.

PART VIII

Supply of drugs, etc., by Practitioners

Arrangements for supply by practitioners of drugs and appliances

29.—(1) A person who—

(*a*) satisfies the Council that he would have serious difficulty in obtaining any necessary drugs or appliances from a chemist by reason of distance or inadequacy of means of communication, or

(*b*) is resident in an area which in the Council's opinion is rural in character, at a distance of more than one mile from the premises of any registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933

may request the practitioner on whose list he is included to supply him with drugs and appliances, and if the practitioner indicates his willingness to supply them the Council shall arrange with him to do so.

Where, in the case of a person to whom sub-paragraph (*b*) applies, the practitioner has not indicated his willingness to supply drugs and appliances and the person does not, after enquiry by the Council, indicate within seven days whether he desires to be supplied by the practitioner or by a chemist, the Council shall decide themselves how the supply shall be given.

A person to whom sub-paragraph (*b*) applies, who is supplied with drugs and appliances by a chemist, may at any time give to the Council notice of his desire that the supply should in future be provided by the practitioner and the Council may thereupon take such action as is appropriate under this regulation.

(2) The Council may require a practitioner who has not indicated his willingness to supply drugs and appliances to any person to whom this regulation applies to undertake such supply :

Provided that the practitioner shall not be required to supply such drugs and appliances if he satisfies the Council or, on appeal, the Minister, that he is not in the habit of supplying drugs for his patients, or in the case of a person to whom sub-paragraph (*b*) of paragraph (1) applies, that the person can with reasonable facility obtain drugs and appliances from a chemist.

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

(4) Notwithstanding anything contained in this regulation, where a drug or appliance is one for which a practitioner is entitled to receive extra payment if he supplies it, he may, with the patient's consent, instead of supplying it himself, issue a prescription for that purpose.

(5) The Council may, if they think fit, and shall, if requested to do so by the Local Medical or Local Pharmaceutical Committee, constitute a committee (in these regulations referred to as " the dispensing committee ") and shall delegate to that committee, subject to such conditions as they may impose, the powers conferred on the Council by this regulation.

(6) The Council may make, vary or revoke standing orders with regard to the term of office of members of the dispensing committee, the procedure of that committee and the making of reports of their proceedings to the Council.

Charges for drugs and appliances

30.—(1) Any person supplied with drugs and appliances by a practitioner in pursuance of sub-paragraph (9) of paragraph 7 of part I of the first schedule to these regulations in accordance with the requirements of the Council, or with any arrangements with the Council, under the last foregoing regulation shall be liable to pay to the practitioner the following charges :—

(*a*) such sum as is specified in the sixth schedule hereto as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of one shilling in respect of drugs and appliances, other than scheduled appliances, supplied on any one occasion.

(2) A practitioner supplying drugs and appliances in accordance with the said requirements or arrangements shall accordingly, notwithstanding anything in the said sub-paragraph, be under no obligation to supply drugs and appliances except upon payment of the appropriate charge specified in paragraph (1) of this regulation.

(3) For the purposes of this regulation drugs and appliances shall be deemed to be supplied on one occasion, notwithstanding that they are supplied at different times, if they are supplied at or following a visit or attendance and before a succeeding visit or attendance takes place:

Provided that a further supply of the drugs and appliances shall not be deemed to take place on the same occasion as the original supply notwithstanding that there has been no intervening visit or attendance.

PART IX

Miscellaneous

Prescribed appliances and reagents

31.—(1) The articles mentioned for the time being in part I of the third schedule to these regulations shall be the prescribed appliances for the purposes of section 38 of the Act:

Provided that—

(*a*) no such article shall be a prescribed appliance for this purpose unless it complies with the specifications applicable thereto contained in the Drug Tariff;

(*b*) a mask shall be a prescribed appliance for this purpose only in a case where the wearing of a mask is a necessary part of treatment during exposure to smoke-polluted fog of a patient who is suffering from cardiac disease or respiratory disease.

(2) The chemical reagents mentioned by part II of the said schedule shall be the prescribed reagents for the purpose of the said section 38.

Publication of particulars of arrangements

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

Exercise of choice of practitioner in certain cases

33. The right to choose the person by whom general medical services or pharmaceutical services under Part IV of the Act are to be provided shall be exercised—

(*a*) on behalf of any person under the age of sixteen by the mother, or in her absence, the father, or in the absence of both parents the guardian or other person who has the care of the child;

(*b*) on behalf of any other person who on account of old age, sickness or other infirmity is incapable of choosing a person to provide any of the services by a relative or any person who has the care of such person;

(*c*) on behalf of any person under the care of the managers of an approved school, by the managers of the school or a person duly authorised by them in that behalf.

Recovery of charges

34. Any sum payable under these regulations shall be recoverable summarily as a civil debt.

Application of regulations to Isles of Scilly

35. These regulations shall extend to the Isles of Scilly subject to the following exceptions, adaptations and modifications:—

(*a*) any provision in the regulations requiring consultation with, or the agreement or opinion of, the Local Medical or Pharmaceutical Committee in respect of any matter shall not apply to the Executive Council of the Isles of Scilly unless a Local Medical Committee or, as the case may be, a Local Pharmaceutical Committee has been formed for the Isles and recognised by the Minister under section 32 of the Act;

(*b*) for sub-paragraph (*a*) of paragraph (1) of regulation 13 there shall be substituted the following provision:

"(*a*) the constitution of a committee of the Council (hereinafter referred to as "the allocation committee") consisting of such members of the Council and such members appointed by the Local Medical Committee (if a Local Medical Committee is formed for the Isles and recognised by the Minister) as the Council think fit and the assignment to such committee of such powers and duties relating to the administration of the scheme as may be specified therein".

Revocation of regulations

36. The regulations named in the seventh schedule to these regulations are hereby revoked:

Provided that—

(*a*) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly done or suffered, under those regulations;

(*b*) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;

(*c*) such revocation shall not affect any scheme, list, tariff, certificate, notice, requirement, appeal, decision, appointment, agreement, arrangement, condition, application, delegation of powers or standing orders made, prepared, issued or given under the regulations so revoked, and every such scheme, list, tariff, certificate, notice, requirement, decision, appointment, agreement, arrangement, condition, application, delegation or order shall, so far as it could have been made, prepared, issued or given under these regulations, have effect as if it had been so made, prepared, issued or given.

FIRST SCHEDULE

PART I

TERMS OF SERVICE FOR MEDICAL PRACTITIONERS

Interpretation

1. In these terms of service, unless the context otherwise requires, "patient" means a person for whose treatment a practitioner is responsible under paragraph 3 of these terms of service and other words and expressions have the same meaning as in these regulations.

Incorporation of provisions of regulations, etc.

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

Persons for whose treatment the practitioner is responsible

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

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

(*b*) all persons whom he has accepted as temporary residents;

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

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

(*e*) all persons for whose treatment the practitioner is responsible under paragraph 5 of these terms of service.

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

(3) A practitioner who is appointed under regulation 15 of these regulations to undertake the treatment of persons on the list of a practitioner whose name ceases to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of any person on that list who has not been transferred to the list of another practitioner.

(4) Nowithstanding anything contained in this paragraph, a practitioner shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment unless he is a member of the staff of that hospital.

(5) The acceptance of an applicant shall be signified by the signing of his medical card, or a form of application for acceptance, by the practitioner or his partner, assistant or deputy duly authorised in that behalf and the sending of the card or form to the Council within such period as may be specified in the allocation scheme:

Provided that a partner, assistant or deputy signing such card or form on behalf of the practitioner shall also add the practitioner's name.

Right of practitioner to have patient removed from his list

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

(a) S.I. 1948/507 (Rev. XV, p. 674: 1948 I, p. 2205)

Evidence of person's title to obtain treatment

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

(2) If any such person fails on request to produce his medical card, the practitioner is required to give any necessary treatment (including the supply of any drugs or appliances which he would be required himself to supply to a person on his list), but the practitioner may demand and accept from the applicant a reasonable fee for any treatment given, including any drugs or appliances supplied, provided that he renders the applicant an account or, if no account is rendered, gives him a receipt. The practitioner may order any drug or appliance so as to enable the person to obtain the drug or appliance free of cost, except for such charges as may be made in pursuance of these regulations.

(3) If the applicant applies to the Council for a refund within fourteen days after the payment of the fee (or such longer period not exceeding one month as may be allowed by the Council if they are satisfied that the failure to make application within the period of fourteen days was occasioned by some reasonable cause), and the Council are satisfied that he was on the practitioner's list, the Council may recover the fee from the practitioner by deduction from his remuneration or otherwise and shall repay to the applicant the amount of the fee. If the practitioner has supplied any drug or appliance for which, in the case of a person on his list, he would have been entitled to payment from the Council, the Council shall credit him with the payment to which he would have been so entitled.

Range of service

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

(*a*) services which involve the application of such special skill or experience as aforesaid;

(*b*) the administration of an anaesthetic at an operation performed by a practitioner providing maternity medical services;

(*c*) maternity medical services, unless the practitioner has, by arrangement with his patient, undertaken to provide her with such services.

(2) In the case of maternity medical services the expression "all proper and necessary treatment" shall include an initial medical and obstetric examination and an examination at or about the 36th week of pregnancy together with such other examination and ante-natal care as the practitioner thinks necessary; attendance at an abortion or other emergency in connection with a pregnancy if the practitioner is summoned on behalf of the patient; attendance at the confinement after the twenty-eighth week of pregnancy, if in the opinion of the practitioner it is required or if he is summoned to the confinement by the midwife in attendance; a medical and pelvic examination of the mother as near as may be six weeks after the confinement and in any event not later than twelve weeks thereafter, together with such medical care of the mother and child for a period of 14 days after the confinement as may be required, and where the practitioner is not the general practitioner in whose list the name of the person is included, maternity medical services shall also include compliance with any request made by the general practitioner to examine or give any other assistance to that person and her child if, in the opinion of the practitioner having obstetric experience, it is necessary:

Provided that nothing in this sub-paragraph shall affect the responsibility of the practitioner in whose list the name of the person is included for treatment of a kind usually provided by general medical practitioners which is necessary for her general health.

(3) In the case of emergency the practitioner is required to render whatever services are, having regard to the circumstances, in the best interests of the patient.

(4) In determining whether a particular service is a service involving the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

Duties of practitioner

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

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

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

(4) A practitioner is required to provide proper and sufficient surgery and waiting room accommodation for his patients, having regard to the circumstances of his practice.

(5) The practitioner on receipt of a written request shall at all reasonable times admit any member or officer of the Council or the Local Medical Committee authorised for the purpose by the Council to any surgery or waiting-room of the practitioner for the purposes of inspecting the said surgery or waiting-room.

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

(7) A practitioner is required to issue to his patients or their personal representatives free of charge the certificates referred to in the fifth schedule to these regulations being medical certificates reasonably required by them under or for the purposes of the enactments therein specified, and any certificate which a practitioner is required to issue for the purposes of the National Insurance Acts, 1946(a), shall be issued in accordance with any regulations made under those Acts:

Provided that a practitioner shall not be required to issue a certificate where the patient is receiving medical treatment otherwise than from, or under the supervision of, a medical practitioner.

(8) A practitioner is responsible for providing the services of another practitioner for the administration of an anaesthetic, when necessary, in connection with any operation on his patient undertaken by him under these terms of

(a) 9 & 10 Geo. 6. cc. 62 and 67.

service, whenever such administration does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(9) A practitioner—

(*a*) is required to supply to a patient such drugs and appliances as are required for immediate administration or application or for use before a supply can be obtained otherwise under these regulations, and may supply any other drug which is administered by him in person or a pessary which is a prescribed appliance;

(*b*) shall also supply all requisite drugs and appliances which, under these regulations, he is required by the Council or under an arrangement with the Council to supply to a patient;

(*c*) shall supply in a suitable container any drug supplied by him, except a drug which he administers in person.

(10) A practitioner is required to order, on a form provided by the Council for the purpose, such drugs and appliances (other than those supplied under the preceding sub-paragraph) as are requisite for the treatment of any patient. The order shall be signed by the practitioner with his own hand and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order. The forms so provided shall not be used for persons other than the patients who are under treatment by him and subject to the provisions of the next following sub-paragraph a separate form shall be used for each patient.

(11) A practitioner who is responsible under these terms of service for the treatment of ten or more persons in a school or institution in which at least twenty persons are normally resident may use a single form for ordering drugs of a kind to which this sub-paragraph applies for any two or more of the said persons for whose treatment he is responsible but instead of entering on the form the names of such persons he shall enter thereon the name of the school or institution and the number of the persons residing therein for whose treatment he is responsible. The drugs to which this sub-paragraph applies are those included in the National Formulary for the time being in force (except drugs and preparations within the meaning of the Dangerous Drugs Regulations, 1953(a), or drugs being or containing a poison included in the fourth schedule to the Poisons Rules, 1952(b)), and any other drugs which may from time to time be notified to practitioners and chemists by the Minister, after consultation with organisations which are in his opinion representative of medical practitioners and chemists, as being drugs to which this sub-paragraph applies.

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

(13) A practitioner is required—

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

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

(*c*) upon knowledge of the death of a person on his list, or upon the removal of the name of a person from his list, to forward the record relating to that person to the Council within seven days.

(14) A practitioner is required—

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

(a) S.I. 1953/499 (1953 I, p. 540). (b) S.I. 1952/2086 (1952 II, p. 2443).

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

(*c*) upon notice being given, to afford to the medical officer access at all reasonable times to the practitioner's surgery or other place where the records required by these terms of service are kept for the purpose of the inspection of such records, and to furnish to the medical officer such records or necessary information with regard to any entry therein, as he may request; and

(*d*) to answer any inquiries of the medical officer with regard to any prescription or certificate issued by the practitioner or to any statement made in any report furnished by him under these terms of service.

(15) Where a practitioner provides general medical services for pupils at a school or for the inmates of any residential institution or the staff of a school or any such institution, and the Council, following inquiry by the allocation committee and after consultation with the Local Medical Committee, require him to give particulars about the names and addresses of the persons for whom he is providing such services on a specific date at the school or institution, he shall within two months give such particulars to the Council.

Deputies, assistants and partners

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

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

(3) A practitioner—

(*a*) shall not employ an assistant whose name is included in the medical list of the area unless the name of the assistant was included in the list before the first day of February, 1950, or the assistant is a practitioner also providing in the area general medical services as a principal;

(*b*) shall not, except for a period of less than three months, employ an assistant without the consent of the Council or, on appeal, the Medical Practices Committee to the employment of an assistant;

(*c*) shall notify the name of any assistant employed by him to the Council.

(4) A practitioner shall not, without the consent of the Minister, employ as a deputy or assistant any practitioner who is disqualified for inclusion in the medical list of the Council under section 42 of the Act.

(5) A practitioner having obstetric experience shall not except with the permission of the Council employ for the purposes of providing maternity medical services a deputy or assistant who is not a medical practitioner having obstetric experience.

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

(7) A deputy or assistant (other than a partner or assistant whose name is included in the medical list) shall, in addition to signing with his own name, any certificate, prescription form or other document issued by him under these terms of service, insert therein if it does not already appear the name of the practitioner for whom he is acting as deputy or assistant.

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

(9) In the case of two or more practitioners practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner in whose list the patient is included, instead of by the practitioner in person, if reasonable steps are taken to secure continuity of treatment:

Provided that the patient shall be entitled to require the personal services of the principal, instead of the assistant except when the principal is prevented from attending for any of the reasons referred to in sub-paragraph (1) of this paragraph.

(10) For the purposes of this paragraph—

(*a*) the expression "partner" includes a person who by virtue only of paragraph (3) of regulation 2 is deemed not to be carrying on practice in partnership or to be a partner;

(*b*) the expression "assistant" includes a practitioner who is being trained in general practice as a trainee general practitioner under arrangements made by the Minister but does not include any person who is a partner for the said purposes.

Arrangements for practice

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

(2) 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 (hereafter in this paragraph referred to as "the surgery premises") which have been previously occupied or used for the purpose of his practice by another practitioner (hereafter in this paragraph referred to as "the owner") whose practice has been declared vacant and to whose practice a successor has been, or is to be, appointed.

(3) The provisions of the last 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 the 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 the offer before the expiry thereof; or

(*b*) where such an 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 twelve months from the date on which the successor was appointed; or

(*d*) where the owner was a member of 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 twelve 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 15 of these 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.

(4) 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 these regulations and the expression "the date on which the successor was appointed" means 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.

Acceptance of Fees

10.—(1) A practitioner shall not demand or accept any fee or other remuneration in respect of any treatment (which for the purpose of this paragraph shall include maternity medical services), whether under these terms of service or not, rendered to his patients or the patients of his partner or assistant or to the patients of a practitioner for whom he is acting as deputy:

Provided that nothing in this paragraph shall debar a practitioner from demanding and accepting a fee or other remuneration—

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

(*b*) from any statutory body in respect of services rendered for the purpose of that body's statutory functions;

(*c*) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body as to any administrative action they might take;

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

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

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

if in either case the practitioner is serving on the staff of a hospital providing hospital and specialist services as a specialist providing treatment of the kind required by the patient and within seven days after the date on which treatment is given the practitioner furnishes the Council, on a form to be supplied by them for the purpose, with such particulars relating to the service rendered as they may require;

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

(*f*) from a dental practitioner in respect of the provision at his request of an anaesthetic for a person for whom the dental practitioner is providing general dental services or in respect of treatment for the arrest of bleeding.

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

Revision of terms of service

11.—(1) The Council may, with the approval of the Minister, alter the terms of service as from such date as he may approve by giving to each practitioner, subject to sub-paragraph (3) of this paragraph, notice of the proposed alteration.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Minister after consultation with an organisation which is in his opinion representative of

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

the general body of medical practitioners, the Council shall, before making an alteration, consult with the Local Medical Committee and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

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

Withdrawal from medical list

12. A practitioner is entitled at any time to give notice to the Council that he desires to withdraw his name from the medical list or to withdraw his name from the list as a practitioner providing maternity medical services and his name shall be removed accordingly at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 42 of the Act that the continued inclusion of a practitioner in the medical list would be prejudicial to the efficiency of the general medical services, he shall not, except with the consent of the Minister and subject to such conditions as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

Continued absence or disability of practitioner

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

Disputes, appeals, &c.

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

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

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

(*c*) the investigation of cases of alleged excessive prescribing;

(*d*) the investigation of certification;

(*e*) the investigation of record keeping.

(*f*) decisions as to treatment for which fees may be charged,

(*g*) the determination of the question whether a substance is a drug.

Issue of notices to practitioners

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

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 to be not 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 to be not 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 III 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.

Part III

Distribution Scheme

Definitions

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

"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;

"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;

"practitioner" includes the personal representative of a deceased practitioner;

"quarter" means a period of three months ending 31st March, 30th June, 30th September and 31st December;

"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 these regulations apply;

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

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 forty-eight 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 and removed from any other 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 twenty-one 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 provided in paragraphs 5 to 12 of this scheme, 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 which numbers is 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—

(*a*) 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;

(*b*) 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; in which case 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 (*b*) 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 the 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; and 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 (4) or (5) of regulation 14 of these regulations, a person chooses another practitioner within the fourteen days prescribed in paragraph (6) of the said regulation 14, 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 (6) of regulation 14 of these 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—

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

(*b*) 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 practititioner) 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 which case 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.

13. Practitioners on the medical list of a Council shall be paid for emergency treatment either in accordance with paragraph 14 of this scheme or in accordance with paragraph 15 thereof, whichever applies in accordance with paragraph (1) of regulation 22 of these regulations.

Payment for Emergency Treatment

14.—(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 in respect of 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 twenty-one 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, no deduction shall be made pending the outcome of the investigation.

(4) A practitioner shall be entitled to appeal to the Minister against any disallowance, or the fee determined in special circumstances by the Local Medical Committee to be due to the practitioner, or 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 twenty-four 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 17 hereof which provides for payment for the treatment of temporary residents.

(7) The fees for emergency treatment shall be:—

	£ s. d.
emergency consultation (at any place or time)	8 6
minor surgical operation requiring general anaesthetic, treatment of fractures, reduction of dislocation, or administration of nitrous oxide or ethyl chloride	15 0
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.

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.

15.—(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 twenty-one 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, no deduction shall be made pending the outcome of the investigation.

(4) A practitioner shall be entitled to appeal to the Minister against any disallowance or the fee determined in special circumstances by the Local Medical Committee to be due to the practitioner or 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 twenty-four 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 17 of this scheme which provides for payment for the treatment of temporary residents.

Special payments for providing the services of anaesthetists

16.—(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 twenty-one 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

17. Subject to sub-paragraph (6) of paragraph 14 or 15 hereof, as the case may be, payment shall be made to practitioners for the treatment of temporary residents under regulation 17 of these regulations in accordance with the following arrangements:—

(*a*) 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);

(*b*) payment shall be made only where the Council is satisfied that treatment has actually been given;

(*c*) payment shall be at the rate of 17s. 0d. for treatment given to a temporary resident, or 5s. 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, and 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;

(*d*) only one payment of 17s. 0d. or 5s. 0d., 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

18. 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

19. 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 such 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 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;

(*d*) in respect of claims made under paragraphs 14, 15 and 16 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 twenty-one days before the end of the quarter. If it is less than twenty-one 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 paragraph 17 payment shall be made on the last day of the quarter following the quarter in which treatment was given.

20. If two or more practitioners are practising in partnership—

(*a*) 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;

(*b*) 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

21. 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—

(*a*) 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

(*b*) 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

22.—(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 (*b*) to paragraph 12 hereof 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) thereof—

(*a*) the amount of any payments made to practitioners during the year under paragraph 14 or 15 hereof 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 paragraph 16 hereof;

(*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 17 hereof.

(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 (*b*) 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 17, in proportion to the payment so made.

Date of commencement of the scheme

23. 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

.....

Date.....

If doctor claims mileage he should enter mileage distance here

.....

Signature.....

Code No.....

PART IV

FORM OF APPLICATION FOR INCLUSION IN MEDICAL LIST

To the Executive Council for.....

I .....

residing at .....
(private address)

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

.....

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

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

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

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

To be completed where appropriate I intend to practise in partnership with .....
of .....

$\frac{\text{*I have applied}}{\text{*I intend to apply}}$ to the Local Obstetric Committee for approval of my obstetric experience.

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

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

District	Surgery	Days and hours of attendance

Signed.....

Date.....

*Delete if inappropriate.

PART V

FORM OF APPLICATION FOR FILLING A VACANCY

To the Executive Council for .....

I .....
(Full name in block letters)

residing at .....
a registered medical practitioner included in the Medical Register in that name apply to succeed to the practice at ..... declared vacant by your Council.

If I am selected,

(*a*) The district or districts within which I undertake to visit patients and particulars of my surgery hours are:—

District	Surgery	Days and hours of attendance

(*b*) I also undertake to visit any patients who at the date they are included in my list reside outside the said district or districts at the place at which they are residing at that date.

PART A

(to be completed by all applicants)

1. (*a*) Age..... (*b*) Date and place of Medical Registration .....
.....

2. Professional qualifications (and where obtained) .....
.....
.....

3. I $\frac{\text{am*}}{\text{am not*}}$ on the Medical List for the Council's area.

4. If not on the Council's Medical List, state present appointment (if any) and if in general practice whether as a principal or assistant or locum .....
.....
.....

5. Professional experience

(Additional particulars may, if necessary, be attached to this form on a separate sheet.)

(i) in general practice (if applicant has been "trainee assistant," state name and address of principal) .....

Details	Dates	
	From	To

(ii) in hospitals .....

Appointments	Dates	
	From	To

(iii) other (including obstetric experience) .....

Details	Dates	
	From	To

6. Particulars of any covenants restricting medical practice in the Council's area (if any):—.....
.....
.....

7. If selected, I intend to practise in partnership with .....
..... (name and address) who $\frac{\text{is*}}{\text{is not*}}$ on the Council's medical list. (State NO ONE if not intending to practise in partnership.)

8. If not on Council's Medical List:—
(i) Name of any other Executive Council(s) on whose list the applicant is included .....
.....
(ii) Whether approved by a Local Obstetric Committee.....(YES or NO).
(iii) Particulars of any applications still outstanding for inclusion in the medical list of any Executive Council .....
.....
.....

9. Names and addresses of two referees:—
.....
.....
.....
.....

10. Any other supporting particulars on which the applicant proposes to rely:—
.....
.....
.....

Date ..... Signed .....

PART B

(to be completed only by applicants whose names are NOT included in the Medical List of the Council's area)

If I am selected for the vacancy I apply to be included in the list of medical practitioners undertaking to provide general medical services $\frac{\text{including*}}{\text{excluding*}}$ maternity medical services for persons in the Council's area, and

(1) I accept service under, and agree to be bound by, the terms of service for the time being in operation in the area.

(2) I $\frac{\text{intend*}}{\text{do not intend*}}$ to apply to the local obstetric committee for approval of my obstetric experience.

Date ..... Signed .....

PART C

(to be completed on behalf of Local Medical Committee)

The recommendations of the Local Medical Committee are:—

.....

.....

Date ....

Secretary of Local Medical Committee.

PART D

(to be completed on behalf of Executive Council)

The recommendations of the Executive Council are:—

.....

.....

Date ....

Clerk of the Council.

*Delete as appropriate.

SECOND SCHEDULE

Form of Certificate to be issued by Medical Practices Committee under Section 35 (9) of the National Health Service Act, 1946

WHEREAS has applied to the Medical Practices Committee under section 35 (9) of the National Health Service Act, 1946, for their opinion as to whether the proposed transaction or series of transactions described in the schedule hereto, which sets out all material circumstances disclosed to the Committee, involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of that section: AND WHEREAS the Committee have considered the application: NOW THEREFORE the Medical Practices Committee hereby certify that they are satisfied that the said transaction or series of transactions does not involve such a sale as aforesaid.

SCHEDULE

Dated this day of 19 .

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

THIRD SCHEDULE

PART I

List of Appliances

Animal wool
Applicators
Armslings
Atomisers, hand operated

Bandages
Breast relievers
Breast shields
Brushes

Catheters, urethral
Cellulose tissue
Cellulose wadding
Chiropody felt
Colostomy belts:
repairs and replacements only
Connections
Corn and bunion plasters and rings
Cotton wools

Douches with rectal and vaginal fittings
Dressings
Droppers

Elastic hosiery
Eye baths
Eye ointment rods
Eye shades

Finger stalls
Funnels

Gauzes
Gauze and cotton tissues

Hypodermic needles
Hypodermic syringes

Ice bags
Inhalers
Insufflators
Irrigators

Lints

Masks

Nipple shields other than lead nipple shields

Perfusion fittings
Pessaries
Pinchcocks
Plasters
Protectives

Rubber tubing

Splinting, rigid
Sponge rubber
Sputum flasks
Stockinette
Suprapubic belts:
repairs and replacements only
Syringes

Tampons
Test tubes
Tow
Trusses:
femoral
inguinal
scrotal
umbilical

Urinals, portable
Urine sugar analysis Set

Vaccination shields and pads
Vaporisers

PART II

Chemical Reagents

Benedicts's Solution (Qualitative)

Diagnostic Nitroprusside Tablets
Diagnostic Solution Tablets of Copper

Fehling's Solution

Gerhardt's Reagent

Indicators required for measurement of *p*H of urine

Litmus Papers

Rothera's Reagent

Strong Solution of Ammonia

FOURTH SCHEDULE

PART I

Terms of Service for Chemists

Interpretation

1. In these terms of service, unless the context otherwise requires, the expression "drugs" in relation to drugs ordered by a dental practitioner means the drugs specified in the schedule to the National Health Service (General Dental Services) Amendment Regulations, 1953(a).

Incorporation of provisions of regulations, etc.

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

Provision of pharmaceutical services

3.—(1) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered and shall, so far as practicable, keep in stock for that purpose all those drugs and appliances mentioned in the Drug Tariff for the time being in force as drugs or appliances which a chemist is required to keep:

Provided that nothing herein shall require a chemist who undertakes to provide only the services specified in the form set out in part III of this schedule to supply or keep in stock any drug or appliance which he does not ordinarily supply in the course of his business.

(2) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

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

(4) All drugs so supplied which are included in the Drug Tariff shall be of a grade and quality not lower than the grade or quality specified therein and any drugs which are not so included shall be of a grade or quality ordinarily used for medical purposes.

(5) A chemist shall not give, promise or offer to any person any gift or reward (whether by way of a share of or dividend on the profits of the business or by way of discount or rebate or otherwise) as an inducement to or in consideration of his presenting an order for drugs or appliances on a prescription form provided by the Council.

Place and hours of business

4.—(1) Pharmaceutical services shall be provided at the place or places of business specified in the application made by the chemist for inclusion in the Council's list and the place or places shall be open for the supply of pharmaceutical services during the hours specified in the scheme to be made by the Council for that purpose under the regulations.

(2) At each place of business at which a chemist provides pharmaceutical services he is required—

(*a*) to exhibit a notice to be provided by the Council in a form prescribed in part IV or part V of this schedule, and

(*b*) in the case of a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, to exhibit, at times when his place of business is not open and in such a manner as to be visible at such times, a notice to be provided by the Council in the form prescribed in part VI of this schedule indicating the addresses of other registered pharmacists and authorised sellers of poisons, where, and the times at which medicines and appliances may be obtained in the neighbourhood.

(a) S.I. 1953/1178 (1953 I, p. 1254).

Dispensing of medicines

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

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

Names of registered pharmacists

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

Drugs, &c., to be supplied without charge

7. All drugs, containers and appliances supplied under these terms of service shall be supplied free of charge, other than such charges as may be made in pursuance of these regulations:

Provided that where a chemist provides a container in response to an order for drugs signed by a practitioner under sub-paragraph (11) of paragraph 7 of part I of the first schedule to these regulations, the container shall remain the property of the chemist.

Advertising

8.—(1) Except as provided in sub-paragraph (2) of this paragraph a chemist shall not advertise either directly or by implication that his name is included in a pharmaceutical list or that he provides or is authorised to provide pharmaceutical services under the Act.

(2) Nothing in this paragraph shall prohibit—

(*a*) the display at any premises at which a chemist carries on business of the notices referred to in sub-paragraph (2) of paragraph 4 of these terms of service; or

(*b*) the use in any advertisement of wording identical with that contained in the notices aforesaid, or of the following wording (or wording substantially to the like effect approved by the Minister) as appropriate: "National Health Service prescriptions dispensed" or "Drugs/Appliances supplied under the National Health Service"; or

(*c*) the inclusion in any advertisement of a statement of the days and hours at which pharmaceutical services are provided.

(3) For the purposes of this paragraph, the expression "advertise" includes—

(*a*) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;

(*b*) the issue of circular letters;

(*c*) the use of letter headings, bill or account headings and the like;

(*d*) the publication of booklets, leaflets and pamphlets;

(*e*) canvassing in any form;

(*f*) the making of any public announcement by means of wireless, gramophone records or loudspeaker;

(*g*) the display of any poster, placard, streamer or sign;

(*h*) the exhibition of any film, slide or announcement at a theatre, cinema or other place of public entertainment or resort.

Method of payment

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

(2) The Council shall, if any chemist so requires, afford him reasonable facilities for examining all or any of the forms on which the drugs or appliances supplied by him were ordered together with particulars of the amounts calculated to be payable in respect of such drugs and appliances and if he takes objection thereto, the Council shall take such objection into consideration.

(3) The Council shall, if so required by the Local Pharmaceutical Committee or any organisation which is, in the Minister's opinion, representative of the general body of chemists, afford the Local Pharmaceutical Committee or the said organisation similar facilities for examining such forms and particulars relating to all or any of the chemists and shall take into consideration any objection made thereto by the Local Pharmaceutical Committee or the said organisation.

(4) Payment shall be made for drugs and appliances in the manner provided for in the Drug Tariff and the payment to be made for containers and in respect of dispensing fees shall be calculated in the manner set forth therein:

Provided that the amount payable shall be reduced by the following amounts:—

(*a*) such sum as is specified in the sixth schedule to these regulations as payable by the patient in respect of every scheduled appliance supplied on the order of a medical practitioner, and

(*b*) an amount equal to one shilling for every prescription form on which drugs and appliances have been ordered by a medical or dental practitioner and supplied by the chemist, not being a prescription form on which a scheduled appliance has been supplied.

10. A chemist shall, in respect of the categories of staff whose wages and conditions of work are approved by the National Joint Industrial Council for Retail Pharmacy, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service

11.—(1) The Council may, subject to the approval of the Minister, alter the terms of service as from such date as he may approve by giving notice to each chemist, subject to sub-paragraph (3) of this paragraph, of the proposed alteration.

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

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

Withdrawal from pharmaceutical list

12.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 42 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Minister and subject to such conditions as the Minister may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

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

Disputes, appeals, &c.

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

(*a*) the investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint

services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;

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

PART II

FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST FOR USE BY REGISTERED PHARMACISTS AND AUTHORISED SELLERS OF POISONS

National Health Service

To the Executive Council for.....

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

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

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

Registration Number(s).....

Signed.....

Date.....

PART III

FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST FOR USE BY PERSONS OTHER THAN REGISTERED PHARMACISTS AND AUTHORISED SELLERS OF POISONS

National Health Service

To the Executive Council for .....

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

..... hereby undertake

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

*(*b*) to supply appliances;

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

.....

Signed .....

Date .....

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

PART IV

FORM OF NOTICE TO BE EXHIBITED BY REGISTERED PHARMACISTS AND AUTHORISED SELLERS OF POISONS

National Health Service

(Name of person, firm or company contracting)

Under contract with the Executive Council for.....

..... to dispense medicines and supply drugs and appliances.

These premises are open at the following times:—

PART V

FORM OF NOTICE TO BE EXHIBITED BY PERSONS OTHER THAN REGISTERED PHARMACISTS AND AUTHORISED SELLERS OF POISONS

National Health Service

(Name of person, firm or company contracting)

Under contract with the Executive Council for.....

*(*a*) to supply drugs (except poisons in Part II of the Poisons List);

*(*b*) to supply appliances.

These premises are open at the following times:—

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

PART VI

FORM OF NOTICE TO BE EXHIBITED BY REGISTERED PHARMACISTS AND AUTHORISED SELLERS OF POISONS AT TIMES WHEN THE PREMISES ARE CLOSED

National Health Service

When these premises are closed, medicines and appliances may be obtained at the addresses and times shown below:—

FIFTH SCHEDULE

LIST OF MEDICAL CERTIFICATES

Medical Certificate	Short Title of Enactment under or for the purpose of which certificate required
To support a claim or obtain a payment either personally or by proxy under the enactments specified	Family Allowances Act, 1945. (8 & 9 Geo. 6. c. 41). National Insurance (Industrial Injuries) Act. 1946. (9 & 10 Geo. 6. c. 62). National Insurance Act, 1946. (9 & 10 Geo. 6. c. 67).
To prove inability to work or incapacity for self-support for the purposes of an award by the Minister of Pensions and National Insurance. To enable proxy to draw pensions, etc.	Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939. (2 & 3 Geo. 6. c. 83). Pensions (Mercantile Marine) Act, 1942. (5 & 6 Geo. 6. c. 26). Naval and Marine Pay and Pensions Act, 1865. (28 & 29 Vict. c. 73). Air Force (Constitution) Act, 1917. (7 & 8 Geo. 5. c. 51). Personal Injuries (Emergency Provisions) Act, 1939. (2 & 3 Geo. 6. c. 82). Polish Resettlement Act, 1947. (10 & 11 Geo. 6. c. 19).
To procure— (*a*) extra coal in cases of illness (*b*) extra rations	Emergency Powers (Defence) Acts, 1939–1945, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945. (9 & 10 Geo. 6. c. 10) and Supplies and Services (Extended Purposes) Act, 1947. (10 & 11 Geo. 6. c 55).

Medical Certificate	Short Title of Enactment under or for the purpose of which certificate required
To obtain permission to import foreign drugs and appliances.	Import, Export, and Customs Powers (Defence) Act, 1939. (2 & 3 Geo. 6. c. 69).
To obtain permission to export special foods with sick traveller or with infant of 2 years of age or under.	
To enable patient to have his sight tested under the Supplementary Ophthalmic Services.	National Health Service Act, 1946. (9 & 10 Geo. 6. c. 81).
To establish fitness to receive nitrous oxide and air analgesia in childbirth.	Midwives Act, 1951. (14 & 15 Geo. 6. c. 53).
To secure registration of stillbirth ...	Births and Deaths Registration Act, 1953. (1 & 2 Eliz. 2. c. 20).
To enable payment to be made to another person in case of mental disability of person entitled to payment from public funds.	Lunacy Act, 1890. (53 & 54 Vict. c. 5)
To justify release of patient from detention after absence on trial.	
To establish unfitness for jury service	Juries Act, 1922. (12 & 13 Geo. 5. c. 11).
To establish unfitness to attend for medical examination.	National Service Act, 1948. (11 & 12 Geo. 6. c. 64).
To support late application for reinstatement in civil employment or notification of non-availability to take up employment, owing to sickness.	Reinstatement in Civil Employment Act, 1944. (7 & 8 Geo. 6. c. 15). National Service Act, 1948. (11 & 12 Geo. 6. c. 64). Reinstatement in Civil Employment Act, 1950. (14 & 15 Geo. 6. c. 10). Reserve and Auxiliary Forces (Training) Act, 1951. (14 & 15 Geo. 6. c. 23).
To enable disabled person to be registered as an absent voter.	Representation of the People Act. 1949. (12, 13 & 14 Geo. 6. c. 68).

SIXTH SCHEDULE

CHARGES PAYABLE BY THE PATIENT FOR APPLIANCES

Appliance	Charge
Elastic Anklet	5s. each
Elastic Kneecap	5s. each
Elastic Legging	5s. each
Elastic Thigh Piece	5s. each
Elastic Knee Legging	10s. each
Elastic Stocking	10s. each
Elastic Thigh Kneecap	10s. each
Elastic Knee Stocking	10s. each
Elastic Thigh Legging	10s. each
Elastic Thigh Stocking	10s. each

SEVENTH SCHEDULE

REGULATIONS REVOKED

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

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

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations, 1949(c).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1949(d).

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations, 1950(e).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1950(f).

The National Health Service (General Medical and Pharmaceutical Services) (Amendment) Regulations, 1951(g).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1951(h).

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations, 1952(i).

In the National Health Service (Charge for Drugs and Appliances) Regulations, 1952(j), paragraph (1) of regulation 2, regulations 3, 4, 5 and 6, and in regulation 8 the references to regulation 6 and to appliances.

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1952(k).

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

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

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

Given under the official seal of the Minister of Health this twentieth day of May nineteen hundred and fifty-four.

(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 consolidate with minor amendments the regulations mentioned in the Seventh Schedule. The main amendment is the inclusion of paragraphs (5), (6) and (7) of regulation 25.

(a) S.I. 1948/506 (Rev. XV, p. 575: 1948 I, p. 2140).
(b) S.I. 1948/1448 (Rev. XV, p. 575: 1948 I, p. 2168).
(c) S.I. 1949/577 (1949 I, p. 2609).
(d) S.I. 1949/2341 (1949 I, p. 2611).
(e) S.I. 1950/395 (1950 I, p. 1311).
(f) S.I. 1950/1486 (1950 I, p. 1312).
(g) S.I. 1951/479 (1951 I, p. 1401).
(h) S.I. 1951/1695 (1951 I, p. 1402).
(i) S.I. 1952/419 (1952 II, p. 2061).
(j) S.I. 1952/1021 (1952 II, p. 2053).
(k) S.I. 1952/2135 (1952 II, p. 2062).
(l) S.I. 1953/369.
(m) S.I. 1953/505 (1953 I, p. 1260).
(n) S.I. 1953/1629 (1953 I, p. 1278).