1960 No. 2367

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1960

Made - - - -	*15th December*, 1960
Laid before Parliament	*22nd December*, 1960
Coming into Operation	*1st January*, 1961

The Minister of Health, in exercise of the powers conferred on him by sections 32, 33 and 74 of the National Health Service Act, 1946(a), as amended by the National Health Service (Amendment) Act, 1949(b), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations, 1960, and shall come into operation on the first day of January, 1961.

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

2. The National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954(d), as amended(e), shall be further amended as follows:—

(1) For the definition of the expression "Local Obstetric Committee" in paragraph (1) of regulation 2 there shall be substituted the following definition:—

> "" Local Obstetric Committee" means a committee recognised by the Minister for the purpose of approving, in accordance with such conditions as the Minister may determine, the obstetric experience of a medical practitioner; ".

(2) After regulation 21 there shall be inserted the following regulation:—

> "*Notice of provision of services*
>
> **21A.**—(1) A practitioner who provides maternity medical services for a person shall notify the Council, on a form issued by them for the purpose, of the services provided by him, within six months, or such longer period as the Council may allow in the circumstances of the case, of the completion of the provision of such services.
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> (2) Where a practitioner has completed the provision of maternity medical services for a person before the first day of January, 1961, and has not notified the Council of such completion before that date, he shall notify the Council, on a form issued by them for the purpose, of the services provided by him, not later than the thirtieth day of June, 1961."

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1954/669 (1954 I, p. 1315). (e) S.I. 1956/1076,1745, 1953, 1957/1432, 1958/1244, 2149, 1960/1274 (1956 I, pp. 1515, 1520, 1521; 1957 I, p. 1474; 1958 II, pp. 1546, 1547; 1960 II, p. 2081).

(3) For sub-paragraph (2) of paragraph 6 of Part I of the First Schedule (which sub-paragraph defines the range of "maternity medical services") there shall be substituted the following sub-paragraph:—

"(2) In the case of maternity medical services the expression 'all proper and necessary treatment' shall comprise all necessary medical services during pregnancy, confinement and the post-natal period, based on principles published from time to time by the Minister on the advice of the Standing Maternity and Midwifery Advisory Committee constituted under Section 2 of the Act and after consultation with such organisations as he may recognise as representing practitioners, including an initial examination and not less than five other ante-natal examinations at spaced intervals, one of which shall be between the 32nd and 34th week of pregnancy and another at or about the 36th week, attendance at an emergency in connection with the pregnancy if the practitioner is summoned on behalf of the patient, attendance at some stage of labour either before or at delivery or at such early time thereafter as is reasonably possible in the light of clinical circumstances (including attendance in respect of premature confinement after the 28th week of pregnancy), attendance if summoned by the midwife, provision of such medical care of the mother and child as may be required for a period of fourteen days after the confinement, including not less than five attendances, a full post-natal examination of the mother as near as may be six weeks after the confinement and in any event not later than twelve weeks thereafter, and where the practitioner is not the general practitioner in whose list the name of the person is included, the issue if required to the person or her personal representative of certificates of pregnancy, expected confinement and confinement, in accordance with the provisions of sub-paragraph (7) of paragraph 7 of the terms of service:

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 practitioners which is necessary for her general health."

(4) For sub-paragraphs (*b*) and (*c*) of paragraph 1 of Part II of the First Schedule (which paragraph prescribes payments to be dealt with in the distribution scheme) there shall be substituted the following sub-paragraphs:—

"(*b*) loadings, that is to say, additional payments to a practitioner (other than an assistant or a practitioner referred to in sub-paragraph (*d*) of this paragraph) in single-handed practice in respect of persons within the range of 401 to 1,600 on his list, and in partnership in respect of persons within the range of 501 to 1,700, or within such other ranges as are fixed for the time being by the Minister, at such rate as the Minister shall determine after consultation with such organisations as he may recognise as representing practitioners;

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

(5) For sub-paragraph (*a*) of paragraph 2 of the said Part II (which paragraph provides for payments to be made outside the provisions of the distribution scheme) there shall be substituted the following sub-paragaraph:—

"(*a*) an initial practice allowance, that is to say, an allowance payable for a period not exceeding four years to a practitioner who

has recently set up, or is about to set up, in single-handed practice or is appointed to succeed to such a practice in an area designated by the Medical Practices Committee as one where a practitioner is entitled to such a payment ; ".

(6) For the definition of the word " loadings " in paragraph 1 of Part III of the First Schedule there shall be substituted the following definition :—

" ' loadings ' means additional payments to a practitioner (other than an assistant or a practitioner referred to in paragraph 10 of this scheme) in single-handed practice in respect of persons within the range 401 to 1,600 on his list, and in partnership in respect of persons within the range 501 to 1,700, or within such other ranges as are fixed for the time being by the Minister ;".

(7) For paragraphs 5 and 6 of the said Part III (which paragraphs provide for the calculation of practitioners lists, where more than one Executive Council is concerned) there shall be substituted the following paragraphs :—

" 5. In respect of each practitioner for whom they act as responsible Council, the Council shall—

(*a*) where the total number of persons on the practitioner's lists in the areas of all the Councils concerned exceeds the limiting number, reduce, for the purposes of calculating entitlement to capitation payments, the practitioner's list in the responsible Council's area by the excess of that total number over the limiting number ;

(*b*) calculate the number of loadings, if any, payable to the practitioner on the basis of one combined list of patients for the areas of all the Councils concerned.

6. The Council shall in respect of each practitioner for whom they act as responsible Council be solely liable to make payments in respect of loadings calculated in the manner provided for in this scheme, and no payments in respect of loadings shall be payable by the other Councils concerned."

(8) For the proviso to paragraph 7 of the said Part III (which paragraph enables loadings to be allocated between partners on an agreed basis) there shall be substituted the following proviso :—

" 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 so excluded he shall be entitled to payments as a practitioner practising in partnership."

(9) After paragraph 7 of the said Part III there shall be inserted the following paragraph :—

" 7A. Where two or more practitioners in single-handed practice who have never been previously in partnership together enter into partnership the Council shall, and where a practitioner in single-handed practice joins an existing partnership the Council may, make to the practitioner concerned payments by way of additional loadings in respect of such number of patients as may be allowed by the Minister."

(10) In paragraph 8 of the said Part III (which paragraph contains certain provisions with respect to loadings) the words from "Where the Council" to the words "under these arrangements", where they occur the second time, shall be deleted.

(11) For sub-paragraph (7) of paragraph 14 of the said Part III (which paragraph prescribes the method of payment for emergency treatment) there shall be substituted the following sub-paragraph: —

"(7) The Minister shall, after consultation with such organisations as he may recognise as representing practitioners, determine a scale of fees for the following items:—

(*a*) emergency consultation (at any place or time);

(*b*) minor surgical operation requiring—

general anaesthetic,

treatment of fractures,

reduction of dislocation, or

administration of nitrous oxide or ethyl chloride;

(*c*) administration of general anaesthetic other than nitrous oxide or ethyl chloride.

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 showing that the service rendered by him is not covered by any of the items set out above, the Local Medical Committee shall determine the payment to be made to the practitioner for the service."

(12) In sub-paragraph (1) of paragraph 16 of the said Part III (which paragraph prescribes the method of payment for the services of an anaesthetist) for the words from "a fee of £1 15s. 0d." to "the anaesthetist" there shall be substituted the words "a fee will be payable to the practitioner who is responsible for providing the services of the anaesthetist, in accordance with rates determined by the Minister after consultation with such organisations as he may recognise as representing practitioners and depending on whether the general anaesthetic is nitrous oxide or ethyl chloride, or is some other general anaesthetic."

(13) For paragraph 17(a) of the said Part III (which paragraph prescribes the method of payment for the treatment of temporary residents) there shall be substituted the following paragraph: —

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

(*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);

(a) As amended by regulations 2 (15) of S.I. 1956/1076 and 2 (*a*) of 1958/2149 (1956 I, p. 1515; 1958 II, p. 1547).

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

(*c*) payment shall be at the full rate determined by the Minister, after consultation with such organisations as he may recognise as representing practitioners, for treatment given to a temporary resident, or at such lower rate as he may determine after similar consultation if the temporary resident is residing at a place which the Council in consultation with the Local Medical Committee have classified as a convalescent home or other institution, being a place at which ten or more persons reside temporarily and where the Council concerned are satisfied that the practitioner is in regular attendance. The Council may also at their discretion, in consultation with the Local Medical Committee, pay at the lower rate in other cases where a practitioner is known to give treatment to a number of temporary residents who are living temporarily in groups of ten or more, on a ship or at any other place within the Council's area; and any practitioner who is dissatisfied with the classification of a place or with payment at the lower rate by the Council may apply to the Minister, who shall give to the Council such direction on the matter as he thinks fit;

(*d*) only one payment at either the full rate or the lower rate, 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 on the date of the first treatment."

(14) For paragraph 22 of the said Part III (which paragraph provides for supplementary payments to doctors) there shall be substituted the following paragraph:—

"22. Any sum which is credited to the Council to provide additional remuneration to practitioners for the year shall be distributed by the Council in the manner notified to them by the Minister after consultation with such organisations as he may recognise as representing practitioners."

(15) In the Fifth Schedule (which prescribes a list of medical certificates which a doctor is liable to issue) for the item relating to certificates for the purposes of the Lunacy Act, 1890(a), there shall be substituted the following item:

"To enable payment to be made to an institution or other person in case of mental disorder of persons entitled to payment from public funds."	Section 138 of the Mental Health Act, 1959. (7 & 8 Eliz. 2. c. 72).

Given under the official seal of the Minister of Health this fifteenth day of December, nineteen hundred and sixty.

(L.S.)

J. Enoch Powell,
Minister of Health.

(a) 53 & 54 Vict. c. 5.

EXPLANATORY NOTE

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

These regulations further amend the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954, by providing in particular for:—

(1) the approval of the obstetric experience of doctors by Local Obstetric Committees to be in accordance with conditions determined by the Minister;

(2) a new definition of the range of "maternity medical services" to be provided by a doctor;

(3) new ranges in respect of the number of persons on the list of a doctor for the purpose of entitling him to the payment of loadings;

(4) the extension of the period of payment of an initial practice allowance from three to four years;

(5) the payment of loadings to be made by the responsible Executive Council where the doctor has lists of patients in the area of two or more Councils;

(6) the determination by the Minister, after consultation with the medical profession, of fees for the provision by a doctor of emergency treatment, and the services of an anaesthetist, and for the treatment of temporary residents;

(7) supplementary payments to doctors to be made in such manner as the Minister may notify to Councils after consultation with the profession;

(8) an alteration consequential on the coming into operation of the Mental Health Act, 1959, in the list of certificates which a doctor is liable to issue free of charge.