1960 No. 2407 (S. 129)

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations, 1960

Made - - - -	21*st December*, 1960
Laid before Parliament	29*th December*, 1960
Coming into Operation	1*st January*, 1961

In exercise of the powers conferred on me by sections 34 and 40 of the National Health Service (Scotland) Act, 1947(**a**), as amended by the National Health Service (Amendment) Act, 1949(**b**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1.—(1) These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations, 1960, and shall come into operation on the 1st 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) (Scotland) Regulations, 1955(**d**), as amended(**e**), shall be further amended as follows :—

(1) After Regulation 24 there shall be inserted the following Regulation :—

"*Notice of provision of services*

24A.—(1) A practitioner who has arranged to provide maternity medical services for a person shall notify the Council of the services provided by him, on a form issued by them for the purpose, not later than twelve months, or such other longer period as the Council may allow in the circumstances of the case, after the confinement of that person.

(2) Where a practitioner has completed the provision of maternity medical services for a person before the 1st day of January, 1961, and has not notified the Council that he has done so before that date, he shall notify the Council not later than the 31st day of December, 1961, of the services provided by him on a form issued by them for the purpose."

(2) 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 ' incudes all necessary medical services (other than services which involve the application of special skill or experience of a degree or kind which general practitioners as a class

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) 52 & 53 Vict. c. 63. (d) S.I. 1955/1942 (1955 I, p. 1418).
(e) S.I. 1956/1319, 1756, 2089, 1957/1008, 1446, 1958/1769, 2218, (1956 I, pp. 1606, 1608, 1609 ; 1957 I, pp. 1500, 1503 ; 1958 II, pp. 1560, 1561).

cannot reasonably be expected to possess) during and following pregnancy and labour in respect of all conditions arising therefrom, and in particular the following services, namely—

(*a*) *Antenatal services*—Full antenatal care and supervision and all necessary antenatal medical examinations, including full medical and obstetric examination of the patient as soon as possible after the practitioner's engagement to attend the case, and such further examinations as the condition of the patient requires.

(*b*) *Services during confinement and the lying-in period*—

(i) 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.

(ii) Attendance within twelve hours after the completion of labour, or as soon thereafter as practicable, and, as often as the condition of the patient or of her child requires, throughout a lying-in period of fourteen days.

(iii) Attendance at any time when summoned by the midwife attending the case.

(*c*) *Post-puerperal services*—Medical and pelvic examination of the patient at or about six weeks after confinement.

The practitioner providing the maternity medical services shall, if he is not the practitioner on whose list the name of the person is included—

(*a*) comply with any request made by the practitioner on whose list the name of the person is included to examine or give any other assistance to that person and her child, if and so far as the practitioner providing the services considers that it is necessary and appropriate that he should do so;

(*b*) issue, in accordance with the provisions of sub-paragraph (7) of paragraph 7 of these terms of service, to the person or her personal representative certificates of pregnancy, expected confinement and confinement, being certificates reasonably required by her.

The practitioner providing the service shall also, subject always to paragraph 3 (4) of these terms of service, administer an anaesthetic or render other assistance, as required, in connection with any service or operation performed by another practitioner as part of the hospital and specialist services, 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.

Nothing in this sub-paragraph shall affect the responsibility of the practitioner on whose list the name of the person receiving maternity medical services is included for the provision of treatment necessary for her general health."

(3) For sub-paragraph (*b*) 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-paragraph:—

"(*b*) a 'loadings' payment, that is to say, an additional payment payable 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 on his list or within such other ranges as are determined for the time being by the Secretary of State, the payment to be such sum as the Secretary of State shall determine after consultation with an organisation recognised by him as representative of general practitioners; "

(4) For sub-paragraph (*a*) of paragraph 2 of the said Part II (which paragraph provides for payments to be made otherwise than under the distribution scheme), there shall be substituted the following sub-paragraph :—

" (*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 where, in the opinion of the Scottish Medical Practices Committee after consultation with the Council, the establishment or continuance of a practice is necessary for an efficient service :

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

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

" ' loadings ' means additional payments payable to a practitioner (other than an assistant or a practitioner referred to in clause 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 on his list or within such other ranges as are determined for the time being by the Secretary of State; "

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

" 5.—(1) In respect of each practitioner for whom they are the responsible Council in terms of clause 3 hereof the Council shall 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 Executive Councils concerned on the first day of each quarter.

(2) Where in the case of a practitioner in respect of whom the Council are the responsible Council, the total number of persons on his list in the areas of the Executive Councils concerned exceeds the appropriate limiting number referred to in clause 4 above, the Council shall, for the purpose of making capitation payments, reduce the number of persons on the practitioner's list in the area of the Council on the first day of each quarter by the excess

of the said total number of persons on his list over the said limiting number.

6. The Council shall in respect of each practitioner for whom they act as responsible Council make payments in respect of loadings calculated in the manner provided for in clause 5 hereof, and no payments in respect of loadings shall be made by the other Councils concerned."

(7) For the proviso to clause 7 of the said Part III (which clause enables loadings to be allocated betwen 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 or, on appeal, to the Scottish Medical Practices Committee, that for any reason the partner should be excluded; and where a partner is so excluded he shall be entitled to payments as a practitioner practising in partnership on the basis of the number of persons actually on his list."

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

"7A. Where two or more practioners in single-handed practice, who were not previously in partnership together, enter into partnership, the Council shall and, where a practitioner in single-handed practice joins an existing partnership, may make to the practitioners payments by way of additional loadings in respect of such number of persons as may be allowed by the Secretary of State."

(9) In clause 8 of the said Part III (which clause provides for payments in respect of persons transferred from the list of a practitioner whose name has ceased to be included in the medical list in the course of a quarter)—

(i) Paragraph (3) shall be deleted;

(ii) In paragraph (4) there shall be deleted the words "and request them to determine the number of loadings, if any, to which the practitioner becomes entitled in the area of the Council";

(iii) Paragraphs (4) and (5) shall be renumbered (3) and (4) respectively.

(10) For paragraph (7) of clause 13 (Alternative A) of the said Part III (which clause prescribes the method of payment for emergency treatment), there shall be substituted the following paragraph:—

"(7) The Secretary of State shall, after consultation with an organisation recognised by him as representative of general practitioners, determine a scale of fees for the following items:—

(i) Emergency consultation (at any place or time)

(ii) Minor surgical operation requiring—
Local or general anaesthetic
Treatment of fracture
Reduction of dislocation

(iii) Administration of general anaesthetic

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

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 set out above, the local Medical Committee shall determine the payment to be made to the practitioner for the service."

(11) In paragraph (1) of clause 14 of the said Part III (which clause prescribes the method of payment for providing the services of anaesthetists), for the words "a fee of £1 15s. 0d. shall be payable to the practitioner who is responsible for providing the services of the anaesthetist", there shall be substituted the words "a fee shall be payable to the practitioner who is responsible for providing the services of the anaesthetist, in accordance with rates determined by the Secretary of State after consultation with an organisation recognised by him as representative of general practitioners."

(12) For paragraph (1) of clause 15 of the said Part III (which clause prescribes the method of payment for the treatment of temporary residents), there shall be substituted the following paragraph :—

"(1) Subject to the provisions of clause 13 (6) above, payment shall be made to practitioners for the treatment of temporay residents under regulation 20 of the 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 C to this Scheme (or a form to the like effect) ;

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

(*c*) Payment shall be at the full rate determined by the Secretary of State, after consultation with an organisation recognised by him as representative of general 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, after 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 are satisfied that the practitioner is in regular attendance ;

(*d*) Only one payment at either the full rate or a 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 from the date of the first treatment."

(13) In proviso (*e*) to clause 16 of the said Part III (which proviso provides for payment of claims for the treatment of temporary residents) there shall be deleted the words "provided that where under the proviso to sub-paragraph (*c*) of paragraph (1) of clause 15 above the amount payable to a practitioner is greater than the amount otherwise payable under that sub-paragraph, the additional amount payable under the proviso shall not be paid until the supplementary sum available to the Council in terms of clause 19 of this Scheme has been notified to the Council and the appropriate deduction in terms of sub-paragraph

(*c*) of paragraph (4) of that clause has been made from the supplementary sum."

(14) For clause 19 of the said Part III (which clause provides for the distribution of any additional remuneration to practitioners) there shall be substituted the following clause:—

"19. 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 Secretary of State after consultation with an organisation recognised by him as representative of general practitioners."

(15) In Part I of the Third Schedule (which part prescribes the appliances which may be supplied to persons receiving general medical services) there shall be inserted after the item "Nipple Shields" the item "Orthopaedic felt—for order on Form E.C. 10A only".

(16) In the Fifth Schedule (which prescribes a list of medical certificates which a practitioner is required to issue to his patients)—

(i) opposite the words "To support a claim or obtain a payment, either personally or by proxy, under the enactments specified", and after the reference to the "National Insurance Act, 1953 (1 & 2 Eliz. 2. c. 29)." there shall be inserted the following:—

"National Assistance Act, 1948 (11 & 12 Geo. 6. c. 29).";

(ii) the item "To procure extra coal in cases of illness" and the related enactments shall be deleted;

(iii) for the item "To establish pregnancy or other grounds for the purpose of obtaining welfare foods	Emergency Powers (Defence) Acts, 1939-45, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (9 & 10 Geo. 6. c. 10), the Supplies and Services (Extended Purposes) Act, 1947 (10 & 11 Geo. 6. c. 55) and the Supplies and Services (Defence Purposes) Act, 1951 (14 & 15 Geo. 6. c. 25)"

there shall be substituted the item:—

"To establish pregnancy for the purpose of obtaining welfare foods	Regulations 55 & 55AB of the Defence (General) Regulations, 1939, as having effect by virtue of Section 2 of the Emergency Laws (Repeal) Act, 1959 (7 & 8 Eliz. 2. c. 19)."

(iv) for the item "To enable payment to be made to another person in case of mental disability of person entitled to payment from public funds	Superannuation Act, 1887 (50 & 51 Vict. c. 67)"

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

Dated this 21st day of December, 1960.

John S. Maclay,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

These regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955, by providing in particular for:—

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

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

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

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

(5) the determination by the Secretary of State, after consultation with the medical profession, of fees for the provision by a doctor of emergency treatment, for the services of an anaesthetist or for the treatment of temporary residents;

(6) the distribution of additional remuneration to doctors to be in such manner as the Secretary of State may determine after consultation with the profession;

(7) the addition of orthopaedic felt to the list of appliances which may be supplied to patients;

(8) the amendment of the list of medical certificates which a doctor is required to issue to patients or their personal representatives.