STATUTORY INSTRUMENTS

1962 No. 2248

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Medical and Pharmaceutical Services) Regulations 1962

Made - - - -	*9th October* 1962
Laid before Parliament	*18th October* 1962
Coming into Operation	*22nd October* 1962

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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 schedules 5 and 6 to, the National Health Service Act 1946(a), as amended by the National Health Service (Amendment) Act 1949(b), and by section 7 (6) 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

Citation and commencement

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Regulations 1962 and shall come into operation on 22nd October, 1962.

(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.

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;

"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 practitioner who acts as an assistant to a 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 pharmaceutical chemist 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 by virtue of regulation 31 of these regulations prescribed chemical reagents for the purposes of section 38 of the Act;

"enactment" includes an enactment in a regulation;

"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 after consultation with such organisations as he may recognise as representing practitioners, the obstetric experience of a practitioner;

"maternity medical services" means personal medical services in respect of pregnancy, confinement and the post-natal period provided by a practitioner in accordance with such arrangements and subject to such conditions as may be determined by the Minister after consultation with such organisations as he may recognise as representing practitioners;

"medical card" means a card in a form approved by the Minister, issued to a person 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;

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

"practitioner" means a registered medical practitioner;

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

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

" relevant service " has the same meaning as in section 64 (1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(a) and includes service rendered under the Army Reserve Act 1962(b);

" scheduled appliances " means the appliances specified in schedule 6 to these regulations;

" treatment " means medical attendance and treatment and includes the issue of certificates referred to in schedule 5 to these regulations, 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 schedule 1 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.

(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(c) 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 practitioners

3. The arrangements which a Council are 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 schedule 1 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 distinguish by marks or otherwise those practitioners having obstetric experience who have undertaken to provide maternity medical services and which of them are included in the list for the purpose of providing maternity medical services only.

(a) 14 & 15 Geo. 6. c. 65. (b) 10 & 11 Eliz. 2. c. 10. (c) 52 & 53 Vict. c. 63.

(3) The medical list shall contain in addition to the name of a practitioner—

(*a*) his private address and the address of any surgery, health centre or other place at which he 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 he practises in partnership, the names of each partner;

(*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 practitioner will provide treatment.

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

(*a*) has never provided such services for persons in the area since he 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 him 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 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 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 him from the list in question, and pending the determination of the appeal the Council shall not remove the practitioner 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 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 into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or who is serving in pursuance of the Army Reserve Act 1962, or who is called up for compulsory whole-time service by virtue of provisions contained in any enactment for the time being in force, or being liable under those provisions for such service is performing service equivalent thereto, 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 schedule 1 to these regulations or in a form to the like effect.

(2) Application by a practitioner in a 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 in 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 the death of a practitioner on the medical list or on the withdrawal or removal 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 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) In this part of these regulations the words " the Committee " mean the Medical Practices Committee.

(2) The Chairman and other members of this Committee 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 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 to the provisions of this regulation members shall be appointed for a period of 3 years expiring on 31st 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 provisions of 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 the provisions of 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 under regulation 10 of these regulations.

(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 of making representations in person or in writing;

(*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 an application subject to conditions by sending to the

Minister notice of appeal within 7 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 7 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 section 35 (9) of the Act shall be in the form set out in schedule 2 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 practitioner 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; and

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

(2) The allocation scheme shall also provide for a limit to the number of persons who may be 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, having regard to the aggregate numbers of patients on all lists of the practitioners, 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. Where the number has been so increased, it may be decreased in the same manner.

(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 regulation 14 (3) of these regulations to the case of:—

(*a*) a practitioner who 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 request 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 on 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 on 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 person is included has been given, and has been written, signed and dated on the medical card:

Provided that where such practitioner has given notice of retirement to the Council, or has died, a practitioner (other than the first named practitioner or his partner) who has undertaken to treat the patients of the practice may not consent to the transfer of any patient to his own list or that of his partner or principal; 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. In such event he will be informed by the Council of the date on which another practitioner is authorised to accept him, such date being 14 days after the first receipt of the notice by the Council or, where the medical card or completed form of application for a new card is not forwarded with the original notice or within 7 days thereafter, 7 days after the receipt of the medical card or completed form by the Council. And any authorisation given by the Council 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 of a practitioner on their medical list 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 14 days he has chosen another practitioner or given notice in writing to the Council of his desire not to be so included.

(7) A practitioner who has performed a period of relevant service in an emergency recognised by the Minister for the purposes of these regulations and has returned to his practice at the end of such service shall within one month of his return notify the Council in writing that he has personally resumed practice. Where the Council have been so notified, they shall within 7 days send a notice to all persons who were on the practitioner's list at the date of the recognition of the emergency, or of the beginning of his service, whichever shall be the later, who are still residing at the same address at which they were residing at such date, and who have transferred to the list of another practitioner. The Council's notice shall state that the former practitioner has resumed practice, and that the person will be restored to his list unless within 14 days that person gives notice in writing to the Council that he wishes to remain on the list of his present practitioner. After the said period of 14 days has elapsed, the Council shall inform the practitioners concerned of the persons who are transferred to the list of the practitioner who has resumed practice, and shall also inform the other practitioner of the persons who have elected to remain on his list and that for a period of 12 months no capitation payment or loading will be payable to him in respect of such persons.

Temporary arrangements for practice on retirement, death, etc.

15.—(1) For the purpose of securing the treatment of persons on the list of a practitioner who 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 on the death of a practitioner he ceases to be included in the medical list, and any person within 7 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, 2 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 who has ceased to be included in the medical list. During the period of any such appointment any person who has not been transferred to another practitioner shall be deemed to remain on the list of the practitioner who 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 to be removed from a practitioner's list and at the expiration of 14 days from the date of the receipt of the notice the Council shall remove him and inform him and the practitioner accordingly.

(2) Subject to the provisions of paragraph (4) of this regulation, where the Council after due inquiry are satisfied—

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

(*b*) 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 6 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 practitioners to remove 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 that person.

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

(4) (*a*) The Council shall, on receiving from a practitioner in accordance with the provisions of paragraph 7 (15) of part I of schedule 1 to these

regulations particulars of persons who are pupils at, or staff or inmates of, a school or residential institution where he provides general medical services, forthwith remove all persons appearing on his list as pupils at, or staff or inmates of, such school or institution, who are not shown in the said particulars.

(*b*) Where the Council have made a request to a practitioner for particulars under the provisions of the said paragraph 7 (15) and have not received them in accordance with those provisions, they may remove from his list persons appearing thereon as pupils at, or staff or inmates of, such school or institution.

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 providing services in that district to be accepted by him as a temporary resident, and in such a case he shall not be removed from the list of any practitioner in which he 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 3 months:

Provided that if his stay in the district extends to more than 3 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) Subject to the provisions of regulation 14 (6) of these regulations, a person accepted by a practitioner for inclusion in his list shall be included in the list from the date on which notification of acceptance is received by the Council.

(3) Where a person for whose treatment a practitioner is responsible dies, or is absent from the United Kingdom for a period of 3 months he shall be removed from the practitioner's list from the date on which the Council first receive notification of the death or absence for 3 months.

(4) Where such a person leaves the United Kingdom with the intention of being away for a period in excess of 3 months, or enlists in Her Majesty's forces, he shall be removed from the practitioner's list from the date on which the Council first receive notification of such departure or enlistment.

(5) Any removal 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 regulation 14 (4) or (5) 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, being not earlier than the date of such consent, as may be agreed between the practitioners.

(6) Any other removal from a practitioner's list shall take effect from the date on which notice of removal 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 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 she is included.

Change of practitioner and temporary residence

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.

(4) 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 paragraph may form part of any arrangements made under regulation 19 of these regulations.

Notice of provision of services

21. 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 6 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.

PART VI

Remuneration of medical practitioners

Remuneration under distribution scheme

22.—(1) Subject as hereinafter provided, for each financial year ending on 31st March the Council shall remunerate practitioners providing general medical services in their area in accordance with the distribution scheme set out in part III of schedule 1 to these regulations ; and either paragraph 14 or paragraph 15 of the scheme (which provide alternative methods of payment

for emergency treatment) shall continue to apply in the Council's area if it applied in that area immediately before the coming into operation of these regulations.

(2) The Council after consultation with the Local Medical Committee and subject to the approval of the Minister may from time to time 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 schedule 1 to these regulations; and

(*b*) shall not come into operation until 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) If the Local Medical Committee request 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 to receive in addition to any payments made under the distribution scheme payments from the Council in respect of the matters specified in paragraph 2 of part II of schedule 1 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 representing practitioners.

PART VII
Chemists

Terms of service for chemists

24. The arrangements which a Council are 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 schedule 4 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 28 of these regulations.

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 of schedule 4 to these regulations, or in a form to

the like effect; and application by a person other than a chemist shall be made in the form set out in part III of the said schedule, 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 14 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 who has been included for the preceding 6 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 he was last included in the list, or

(*b*) has for the preceding 6 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 pharmaceutical chemists from a panel nominated by the said Committee.

(6) If the chemist does not make representations during the period of 28 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 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 be included again in the list of persons providing pharmaceutical services in the Council's area, in accordance with section 38 (2) (*b*) of the Act; or

(*b*) affect a chemist who is called into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or who is serving in pursuance of the Army Reserve Act 1962, or who is called up for compulsory whole-time service by virtue of provisions contained in any enactment for the time being in force, or being liable under those provisions for such service is performing service equivalent thereto;

and 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 6 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.

(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 request 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;

(*g*) the method under which a claim may be made for compensation for financial loss in respect of oxygen equipment.

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.—(1) 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 schedule 6 to these regulations as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of 2 shillings in respect of each quantity of a drug and each appliance or component part thereof, other than a scheduled appliance, supplied to him by virtue of an order on a prescription form:

Provided that an order on the same prescription form for quantities of the same drug to be supplied in more than one container, or for more than one appliance of the same type, or for the supply of 2 or more component parts of the same appliance, shall be deemed to be an order for one quantity of a drug only, or for one appliance, as the case may be.

(2) For the purposes of this regulation, where the name of a school or institution is entered on an order form under the provisions of paragraph 7 (11) of part I of schedule 1 to these regulations, in place of the name of the persons for whom the practitioner concerned is responsible, the expression " any person " in paragraph (1) hereof shall mean the school or institution.

PART VIII

Supply of drugs, etc., by medical 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 chemist,

may at any time request the practitioner in whose list he is included to supply him with drugs and appliances.

(2) (*a*) If the practitioner so requested indicates willingness to supply drugs and appliances, the Council shall arrange with him to do so.

(*b*) If the practitioner so requested does not indicate willingness to supply drugs and appliances, the Council may require him to undertake such supply:

Provided that the Council shall not require him to do so if he satisfies them or, on appeal, the Minister, that he does not normally supply drugs to his patients, or in the case of a person to whom paragraph (1) (*b*) of this regulation applies, that the person can with reasonable facility obtain drugs and appliances from a chemist.

(*c*) A practitioner who under the provisions of the preceding sub-paragraphs supplies drugs and appliances to some or all of his patients may supply any necessary drugs and appliances to a person whom he has accepted as a temporary resident.

(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, where a person no longer satisfies the provisions of paragraph (1) of this regulation, that the 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 paragraph 7 (9) (*b*) of part I of schedule 1 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 schedule 6 hereto as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of 2 shillings in respect of each quantity of a drug and each appliance or component part thereof, other than a scheduled appliance, supplied on any one occasion:

Provided that the supply of quantities of the same drug in more than one container, or the supply of more than one appliance of the same type, or the supply of 2 or more component parts of the same appliance, shall be deemed to be the supply of one quantity of a drug only, or one appliance, as the case may be.

(2) A practitioner supplying drugs and appliances in accordance with the said requirements or arrangements shall accordingly, notwithstanding anything in the said paragraph 7 (9) (*b*), 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, where a practitioner is responsible under the terms of service for the treatment of 10 or more persons in a school or institution in which at least 20 persons are normally resident, and supplies drugs and appliances to the school or institution for 2 or more such persons, the expression "any person" in paragraph (1) hereof shall mean the school or institution.

PART IX

Miscellaneous

Prescribed appliances and chemical reagents

31.—(1) The articles mentioned for the time being in part I of schedule 3 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 in 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 16, 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 charges payable under these regulations shall be recoverable summarily as a civil debt.

Overpayments

35.—(1) A practitioner or chemist shall properly submit applications for the payment of fees and remuneration which are required to be claimed under these regulations on the form and in the manner prescribed for the purpose.

(2) Where the Council consider that they have made a payment to a practitioner or chemist owing to an error or in circumstances when it was not due and the overpayment is admitted by him, it shall be deducted from his remuneration. Where the overpayment is not so admitted, the Council may refer the matter under regulation 4 (5) of the National Health Service (Service Committees and Tribunal) Regulations 1956(a) for investigation, and if the Council or the Minister on appeal decide that there has been an overpayment, the amount overpaid shall be recovered by a deduction from the remuneration of the practitioner or chemist, or otherwise.

(3) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service, or to the provisions of paragraph 19 of part III of schedule 1 to these regulations.

Application of regulations to Isles of Scilly

36. 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 regulation 13 (1) (*a*) 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 ; ".

(a) S.I. 1956/1077 (1956 I, p. 1554).

Revocation of regulations

37. The regulations named in schedule 7 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, appeal, 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.

SCHEDULE 1

In this schedule the expression "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1962.

PART I

TERMS OF SERVICE FOR MEDICAL PRACTITIONERS

Interpretation

1. In these terms of service, unless the context otherwise requires, the word "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 the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations affecting the rights and obligations of practitioners and the provisions of any allocation or distribution scheme made thereunder and in force in the area, and any provisions of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956, affecting the rights and obligations of general medical practitioners 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 ;

(*f*) all persons in relation to whom he is acting as deputy to a practitioner under the provisions of paragraph 8 (12) 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 the regulations to undertake the treatment of persons on the list of a practitioner who 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) Notwithstanding 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 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 any person removed from his list by giving notice at any time to the Council and at the expiration of 7 days from the receipt of such notice by the Council the person shall be removed from the practitioner's list.

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 and to order or supply any drugs or appliances which he would be required to order or supply to a person on his list, but the practitioner may demand and accept from the applicant a reasonable fee for any treatment given, and for any drugs or appliances supplied, provided that he gives him a receipt.

(3) If the applicant applies to the Council for a refund within 14 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 14 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 comprise all necessary medical services during pregnancy, confinement and the post-natal period including—

(*a*) attendance at an emergency in connection with the pregnancy if the practitioner is summoned on behalf of the patient;

(*b*) attendance if summoned by the midwife; and

(*c*) where the practitioner is not the practitioner in whose list 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 paragraph 7 (7) of the terms of service:

Provided that nothing in this sub-paragraph shall affect the responsibility of the practitioner in whose list the person is included for treatment of a kind usually provided by general 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 may 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 prescribed in schedule 5 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 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 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 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 for the purpose by the Council, (or where the practitioner is on the medical list of more than one Council, by the Council who are the responsible Council for the purposes of paragraph 5 of the distribution scheme) 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 persons residing therein for whose treatment he is responsible. The drugs to which this sub-paragraph applies are preparations forming part of pharmaceutical services included in the British National Formulary for the time being in force (except drugs and preparations within the

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

meaning of the Dangerous Drugs Regulations 1953(a), or preparations containing a poison included in Part A of the fourth schedule to the Poisons Rules 1960(b), and any other drugs which may from time to time be notified to practitioners and chemists by the Minister, after consultation with such organisations as he may recognise as representing practitioners and chemists, as being drugs to which this sub-paragraph applies.

The provisions of this sub-paragraph shall apply in like manner to an order for the supply of dressings in an institution recognised by the Minister for the purposes of this sub-paragraph.

(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 such organisations as he may recognise as representing 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 removal of a person from his list, to forward the record relating to that person to the Council within 7 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;

(*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, he shall on signing such person's medical card or form of application for acceptance indicate that person's status at such school or institution, and if the Council, after consultation with the Local Medical Committee, request him to give the names of persons on his list who are pupils at, or staff of, or inmates of, such school or institution on a specific date he shall within one month give such information 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.

(a) S.I. 1953/499 (1953 I, p. 540). (b) S.I. 1960/699 (1960 II, p. 2704).

(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*) Subject to the provisions of sub-paragraph (3) (*b*) hereof, as from 1st July 1963 a practitioner shall only provide as a deputy a practitioner—

(i) who is a partner of, or who personally has entered into a contract for the purpose with, the first named practitioner; or

(ii) who is included in the same medical list or who is a partner or assistant of a practitioner who is so included; or

(iii) who acts as deputy for no financial reward; or

(iv) who is a person employed by a deputising service.

(*b*) A practitioner shall not employ as deputy a person who is a director or member of, or a person employed (whether under a contract of service or otherwise) by a deputising service without the consent of the Council, or on appeal the Minister. In giving such consent the Council, or on appeal the Minister, may from time to time impose such conditions as they consider or he considers necessary or expedient, and before giving their consent or imposing conditions the Council shall, so far as practicable, consult the Local Medical Committee.

(*c*) The Council may at any time, and shall periodically, review, in consultation with the Local Medical Committee, any consent given or condition imposed under sub-paragraph (3) (*b*) hereof and any practitioner aggrieved by any withdrawal of consent or variation of conditions shall be entitled to appeal to the Minister.

(*d*) Any appeal under sub-paragraph (3) (*b*) hereof shall be made within one month, and any appeal under sub-paragraph (3) (*c*) hereof within 7 days, of receipt by the practitioner of notice of the Council's decision.

(*e*) The expression "deputising service" in this sub-paragraph shall include any person who, or body which, undertakes to provide as part of his or its business a deputy or deputies for practitioners.

(4) A practitioner—

(*a*) shall not employ an assistant who is included in the medical list of the area unless the name of the assistant was included in the list before 1st 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 3 months, employ any assistant without the consent of the Council or, on appeal, the Medical Practices Committee to the employment of an assistant and where such consent has been given by the Council or, on appeal by the Medical Practices Committee, it shall be subject to periodical review and may be withdrawn by the Council, in which event the practitioner may appeal to the Medical Practices Committee;

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

(5) 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.

(6) 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 practitioner having obstetric experience.

(7) 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.

(8) 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.

(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 regulation 2 (3) of the regulations 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.

(11) 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, other than the acts and omissions of a deputy who is also included in the medical list.

(12) A practitioner who is included in the medical list, acting as deputy to another practitioner who is also included in the list, shall be responsible for his acts and omissions in relation to the obligations under the terms of service of the practitioner for whom he acts as deputy.

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 12 months from the date on which the successor was appointed : or

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

(*e*) where the practitioner is using the surgery premises in consequence of temporary arrangements for the carrying on of the practice made either pursuant to and in accordance with regulation 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 the 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, is notified of the decision of the Minister.

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 of these terms of service 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 7 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 213 of the Road Traffic Act 1960(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.

(a) 8 & 9 Eliz. 2. c. 16.

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 such organisations as he may recognise as representing 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 3 months from the date of the issue of the notice.

(3) If in any case of alteration the Minister after consultation with such organisations 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 3 months from the date of such notice or of such shorter period as the Council may agree. Any such notice may only be withdrawn by the practitioner with the consent of the Council:

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 make such arrangements as the Minister may approve including the appointment of a deputy for and on behalf of the practitioner, and may deduct the cost of the arrangements in part or in whole from the remuneration of the practitioner; or they may with such consent 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:

Provided however that during any period in which the practitioner is performing relevant service in an emergency recognised by the Minister for the purposes of these regulations, the Council shall, if they appoint a deputy under this paragraph, deduct the cost of the arrangements from the remuneration of the practitioner.

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 1956:—

(*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;
(*h*) the investigation of collection of drug charges.

Issue of notices to practitioners

15. Any notice which a Council are 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 MEDICAL PRACTITIONERS

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

(*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 organisations as he may recognise as representing practitioners;

(*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 and at such rates 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;

(*d*) the adjustment of payment in the case of a practitioner whose list of patients is limited to the staff of one or more hospitals or similar institutions in which he is employed or to persons resident in or connected with one or more schools or other institutions or establishments;

(*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 decision of a Local Medical Committee in connection with any fee payable in respect of emergency treatment or the provision of a second practitioner for the purpose of adminstering 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 *of the regulations.*

(*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;

(*b*) payment to assist certain practitioners (i) 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, or (ii) in certain other circumstances determined by the Minister after consultation with such organisations as he may recognise as representing practitioners;

(*c*) an inducement payment, that is to say, an additional payment 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 practitioners;

(*d*) payment in respect of training to a trainer in general practice and grants towards certain expenses in connection with such training;

For this purpose a "trainer in general practice" means a practitioner approved, for such period as may be determined, as suitable to supervise and train practitioners in general practice by a local training scheme committee or, on appeal, by a training scheme regional review committee being in both cases committees recognised by the Minister as being appointed for the purpose; and any approval may be reviewed at any time by the local training scheme committee, subject to appeal as aforesaid;

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

(*f*) payment in respect of mileage;

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

(*h*) payment whether by way of loan or otherwise in respect of the furtherance of group practice; and

(*i*) payment to a practitioner who has undertaken a period of postgraduate study in accordance with a scheme approved by the Minister.

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

"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 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 after consultation with such organisations as he may recognise as representing practitioners;

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

"quarter" means a period of 3 months ending 31st March, 30th June, 30th September or 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 the 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 their medical list a statement of the number of persons who are included in his list on the first day of each quarter and, unless within 10 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:

Provided however that during any period in which a practitioner is performing relevant service in an emergency recognised by the Minister for the purposes of these regulations, the number of persons who for the purposes of this scheme are included in his list on the first day of each quarter shall take no account of the actual number of persons for whose treatment the practitioner is responsible but shall be the same as the average of the numbers of persons on his list on the first day of each of the 2 quarters immediately preceding that in which the emergency was recognised, or such service began, whichever is the later, or where the practitioner's name had not been included in the medical list for 2 whole quarters, the same as the number of persons on his list on the first day of the quarter in which the emergency was recognised or such service began, whichever is the later.

(2) If the notice of acceptance by the practitioner of a person is received by the Council not later than 48 hours after the beginning of a quarter the person shall, notwithstanding the provisions of regulation 18 of the regulations, be treated for the purpose of the preceding sub-paragraph as having been included in the practitioner's list and removed from that of any other practitioner on the same medical list on the first day of the quarter.

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

3. If a practitioner on the medical list of the Council—

(*a*) is also on the medical list of another Council or Councils; or

(*b*) is practising in partnership with a practitioner or practitioners, one or more of whom is on the list of another Council or Councils, and it has been agreed that the arrangements referred to in paragraph 7 (1) 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 accept this responsibility in respect of any practitioner they 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 any 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 on the first day of the quarter:

Provided that (*a*) 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 that 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"); and (*b*) during the period of 12 months from the date on which a person notifies the Council under the provisions of regulation 14 (7) of the regulations that he

wishes his name to remain on the list of his present practitioner, that person shall be deemed not to be on the list of that practitioner for the purpose of entitlement to a capitation payment or loading, but for this purpose shall be deemed to be on the list of the practitioner who has resumed practice.

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.

7.—(1) 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 of this scheme. 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 so excluded he shall be entitled to payments as a practitioner practising in partnership.

(2) 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.

8. A practitioner who 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, following a notice given under regulation 14 (4) or (5) of the regulations, a person chooses another practitioner within the 14 days prescribed by regulation 14 (6), 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 who 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 regulation 14 (6) of the regulations and payment shall be made in respect of such persons in accordance with the provisions of paragraph 8 of this scheme.

10. In the case of a practitioner whose list is limited to the staff of one or more hospitals or similar institutions in which he is employed or to persons resident in or connected with one or more schools or other institutions or establishments, 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 per cent.

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 per cent. 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 per cent. 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 who 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 who 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 regulation 15 (1) of the 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 neither a practitioner with a neighbouring practice nor a practitioner who was acting as an assistant (including a trainee general practitioner) to the practitioner who 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.

Payment for Emergency Treatment

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 regulation 22 (1) of the regulations.

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 a person on his own list or on that of his partner or assistant, payment will be made in accordance with the provisions of sub-paragraph (7) of this paragraph.

(2) A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix A to this scheme (or a form to the like effect) within 21 days after he is called upon to provide the treatment or in exceptional cases such longer period, not exceeding 2 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 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 1956, 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 213 of the Road Traffic Act 1960 unless the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover such fee.

(6) If an application for treatment in cases of accident or other sudden emergency is made to a practitioner by or on behalf of a person remaining in the district for less than 24 hours, the practitioner called upon to provide treatment shall be paid as though the treatment had been given in an emergency within the meaning of sub-paragraph (1) of this paragraph and not in accordance with the provisions of paragraph 17 of this scheme (which provides for payment for the treatment of temporary residents).

(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;

(*c*) treatment of fractures;

(*d*) reduction of dislocation;

(*e*) administration of nitrous oxide or ethyl chloride;

(*f*) 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.

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 other sudden emergency in respect of a person applying for

general medical services not being a person on his own list or on that of his partner or his assistant, but if a practitioner on the medical list of the Council considers that—

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

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

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

(2) A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix B to this scheme (or a form to the like effect) within 21 days after he is called upon to provide the treatment or in exceptional cases such longer period, not exceeding 2 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 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 1956, 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 213 of the Road Traffic Act 1960 unless the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover such fee.

(6) If an application for treatment in cases of accident or other sudden emergency is made to a practitioner by or on behalf of a person remaining in the district for less than 24 hours, the practitioner called upon to provide treatment may be paid as though the treatment had been given in an emergency within the meaning of sub-paragraph (1) of this paragraph and not in accordance with the provisions of paragraph 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 general practitioner are required for the purpose of administering a general anaesthetic otherwise than in connection with maternity medical services, 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. A claim for payment shall be sent by the practitioner to the Council in the form set out in Appendix C to this scheme (or a form to the like effect) within 21 days after the date on which the services are provided.

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

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

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

Payment for the treatment of temporary residents

17. Subject to the provisions of paragraphs 14 (6) or 15 (6) of this scheme, as may be appropriate, payment shall be made to practitioners for the treatment of temporary residents under regulation 17 of the 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);

(*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, holiday home, camp or other institution, being a place at which 10 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 gives treatment to a number of temporary residents who are living temporarily in groups of 10 or more, on a ship or at any other place within the Council's area;

(*d*) 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;

(*e*) 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 3 months commencing on the date of the first treatment.

Expenses of Local Medical Committee

18. Any sum which under section 32 (3) 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 payment is made for a quarter it appears that owing to an error on the part of the Council or the practitioner, other than an error in the calculation of the practitioner's list in accordance with paragraph 2 of the scheme, 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 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 of this scheme payment shall be made on the last day of the quarter in which the claim is allowed by the Local Medical Committee, or in which the Minister on appeal directs that the claim should be paid, if this date is at least 21 days before the end of the quarter. If it is less than 21 days before the end of the quarter payment shall be made on the last day of the next quarter;

(*e*) in respect of claims made under paragraph 17 of this scheme 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. Where the Council, after consultation with the Local Medical Committee, decide to make payments on account to any practitioner who applies for such payments in advance of the payments due to him at the end of each quarter, or decide to make such payments to some or all practitioners on its medical list, the Council shall make either—

(*a*) a single advance payment not earlier than the middle of a quarter of not more than one half of the amount estimated to be due to the practitioner 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 sub-paragraph.

Supplementary payments

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.

APPENDIX A

CLAIM IN RESPECT OF EMERGENCY TREATMENT UNDER PARAGRAPH 14 OF THE DISTRIBUTION SCHEME

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 UNDER PARAGRAPH 15 OF THE DISTRIBUTION SCHEME

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.

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

(A parent, guardian, or person in charge should sign on behalf of a child, invalid or other person unable to sign and indicate capacity in which signing.)

Name of doctor at home address .....

Signature .....

Home address .....

.....

.....

Date .. ..

To be completed by doctor.

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

If doctor claims mileage he should enter mileage distance here.

.....

Date .....

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

(i) *apply to succeed to the practice at ..... declared vacant by your Council

(ii) *apply to be appointed to the vacancy at ..... in respect of which an additional practitioner is required.

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 general practitioner," state name and address of principal) .....
....

Details	Dates	
	From	To

* Delete if inappropriate.

(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 *is / *is not on the Council's medical list. (State NO ONE if not intending to practise in partnership.)

8. If not on the 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 .....

* Delete if inappropriate.

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 *including / *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 *intend / *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.

SCHEDULE 2

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.

SCHEDULE 3

PART I

LIST OF PRESCRIBED APPLIANCES

Animal wool
Applicators
Armslings
Atomisers, hand operated

Bandages
Breast relievers
Breast shields
Brushes

Catheters, urethral
Cellulose tissue
Cellulose wadding
Chiropody felt
Colostomy apparatus:
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 cots
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

Oxygen equipment

Perfusion fittings
Pessaries
Pinchcocks
Plasters
Protectives

Rectal dilators
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

LIST OF PRESCRIBED CHEMICAL REAGENTS

Benedict'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

SCHEDULE 4

PART I

TERMS OF SERVICE FOR CHEMISTS

Interpretation

1. In these terms of service, the expression "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1962, and unless the context otherwise requires, the expression "drugs" in relation to drugs ordered by a dental practitioner means the drugs specified in schedule 3 to the National Health Service (General Dental Services) Regulations 1954(a).

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations or of any scheme made thereunder and of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956, 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 not supply pharmaceutical services except on an order on such a signed prescription form:

Provided that where a practitioner personally known to the chemist requests him by telephone or in writing to dispense a drug in a case of urgency before a prescription form is issued and undertakes to furnish him within 24 hours with a signed prescription form therefor, the chemist may supply the drug prior to receiving the form.

(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 the form set out in part IV or part V of this schedule, and

(a) As set out in S.I. 1960/1046 (1960 II, p. 2075).

(*b*) in the case of a registered pharmaceutical chemist 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 or other registered pharmaceutical chemists and authorised sellers of poisons in the neighbourhood, from whom, and the times at which, medicines and appliances may be obtained.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist who shall not be, unless the Minister otherwise consents, a person disqualified for inclusion in the pharmaceutical list of the Council under section 42 of the Act, or by a person who for 3 years immediately prior to 16th 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 1956(a) 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 pharmaceutical chemists employed by him in dispensing medicines for persons receiving general medical or general dental services.

Drugs, etc., to be supplied without charge, other than prescribed charges

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 the regulations:

Provided that where a chemist supplies a container in response to an order for drugs signed by a practitioner under paragraph 7 (11) of part I of schedule 1 to the regulations or supplies an oxygen container or oxygen equipment, other than equipment specified in the Drug Tariff as not returnable to the chemist, the container and equipment shall remain the property of the chemist who shall have no claim against the Council in the event of the loss of, or damage to, such container or equipment, except as may be provided in the Drug Tariff.

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 paragraph 4 (2) 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;

(a) 4 & 5 Eliz. 2. c. 25.

(*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 for the time being in force 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 an amount equal to any charge received or recoverable by the chemist under regulation 28 of the regulations in respect of any drugs or appliances supplied by him.

Fair wages for staff of pharmacies

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, with the approval of the Minister, alter the terms of service as from such date as he may approve by giving to each chemist, 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 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 3 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 3 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 Act 1933 shall not be removed from the list so long as the business is carried on by them in accordance with the provisions of that Act, 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 1956 :—

(*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 PHARMACEUTICAL CHEMISTS 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 pharmaceutical chemist(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 PHARMACEUTICAL CHEMISTS 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 PHARMACEUTICAL CHEMISTS 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 PHARMACEUTICAL CHEMISTS 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 I 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 PHARMACEUTICAL CHEMISTS 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 :—

SCHEDULE 5

LIST OF PRESCRIBED MEDICAL CERTIFICATES

Medical Certificate	Short title of enactment under or for the purpose of which certificate required
1. To support a claim or obtain a payment either personally or by proxy under the enactments specified.	Family Allowances Acts 1945 to 1961. National Insurance (Industrial Injuries) Acts 1946 to 1961. National Insurance Acts 1946 to 1961. National Assistance Acts 1948 to 1961.
2. To prove inability to work or incapacity for self-support for the purposes of an award by the Minister of Pensions and National Insurance. 3. 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).
4. To establish pregnancy for the purpose of obtaining welfare foods.	Regulations 55 and 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).
5. To obtain permission to import foreign drugs and appliances.	Import, Export, and Customs Powers (Defence) Act 1939 (2 & 3 Geo. 6. c. 69).

Medical Certificate	Short title of enactment under or for the purpose of which certificate required
6. To enable patient to have his sight tested under the Supplementary Ophthalmic Services.	National Health Service Acts 1946 to 1961.
7. To establish fitness to receive inhalational analgesia in childbirth.	Midwives Act 1951 (14 & 15 Geo. 6. c. 53).
8. To secure registration of stillbirth.	Births and Deaths Registration Act 1953 (1 & 2 Eliz. 2. c. 20).
9. 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).
10. To establish unfitness for jury service.	Juries Act 1922 (12 & 13 Geo. 5. c. 11).
11. To establish unfitness to attend for medical examination.	National Service Act 1948 (11 & 12 Geo. 6. c. 64).
12. 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).
13. To enable disabled person to be registered as an absent voter.	Representation of the People Act 1949 (12, 13 & 14 Geo. 6. c. 68).

SCHEDULE 6

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

SCHEDULE 7

REGULATIONS REVOKED

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

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1956(b).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations 1956(c).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 3) Regulations 1956(d).

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1957(e).

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1958(f).

The National Health Service (General Medical and Pharmaceutical Services) Amendment (No. 2) Regulations 1958 (g).

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1960(h).

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

The National Health Service (Charges for Drugs and Appliances) Regulations 1961 (regulation 2 only) (j).

Given under the official seal of the Minister of Health on 9th October, 1962.

(L.S.)

J. Enoch Powell,
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 schedule 7. The main amendments relate to:—

(*a*) consent to the transfer of patients on the death or retirement of a medical practitioner (regulation 14 (2) (*a*) proviso).

(*b*) recovery of overpayments to practitioners or chemists (regulation 35).

(*c*) the range of service in respect of maternity medical services (paragraph 6 (2) of part I of schedule 1).

(*d*) the provision of deputies by practitioners (paragraph 8 (3) of part I of schedule 1).

(*e*) special payments to practitioners undergoing approved postgraduate study (paragraph 2 (i) of part II of schedule 1).

(a) S.I. 1954/669 (1954 I, p. 1315).
(b) S.I. 1956/1076 (1956 I, p. 1515).
(c) S.I. 1956/1745 (1956 I, p. 1520).
(d) S.I. 1956/1953 (1956 I, p. 1521).
(e) S.I. 1957/1432 (1957 I, p. 1474).
(f) S.I. 1958/1244 (1958 II, p. 1546).
(g) S.I. 1958/2149 (1958 II, p. 1547).
(h) S.I. 1960/1274 (1960 II, p. 2081).
(i) S.I. 1960/2367 (1960 II, p. 2083).
(j) S.I. 1961/182 (1961 I, p. 292).

(*f*) dispensing by chemists before the presentation of a prescription form in a case of urgency (paragraph 3 (1) of part I of schedule 4).

(*g*) the prohibition of dispensing, without the consent of the Minister of Health, by, or under the supervision of a person disqualified under section 42 of the National Health Service Act 1946 (paragraph 5 (1) of part I of schedule 4).