STATUTORY INSTRUMENTS

1972 No. 1602

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Medical and Pharmaceutical Services) Regulations 1972

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Coming into Operation	*1st January* 1973

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The Secretary of State for Social Services, in exercise of powers conferred by sections 32, 33, 34, 38, 39, 45 and 74 of, and Schedules 5 and 6 to, the National Health Service Act 1946**(a)**, as amended by sections 3(1), 10, 14, 15, 16 and 29 of, and the Schedule to, the National Health Service (Amendment) Act 1949**(b)**, section 10 of the National Health Service Act 1966**(c)** and sections 23 and 30 of, and Schedule 1 to, the Health Services and Public Health Act 1968**(d)**, and now vested in him **(e)**, 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 1972 and shall come into operation on 1st January 1973.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

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

"appliance" means an appliance which is, by virtue of regulation 28, a prescribed appliance for the purposes of section 38 of the Act;

"area" means in relation to a Council the area for which the Council is constituted;

"assistant" means a doctor who is acting as an assistant to a doctor on the medical list;

(a) 1946 c. 81.
(b) 1949 c. 93.
(c) 1966 c. 8.
(d) 1968 c. 46.
(e) S.I. 1968/1699 (1968 III, p. 4585).

"chemical reagent" means a chemical reagent which is by virtue of regulation 28 a prescribed chemical reagent for the purposes of section 38 of the Act;

"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 Executive Council;

"doctor" means a fully registered medical practitioner;

"drugs" includes medicines and such chemical reagents as are by virtue of regulation 28 prescribed chemical reagents for the purposes of section 38 of the Act;

"Drug Tariff" has the meaning assigned to it in regulation 26;

"enactment" includes an enactment in a statutory instrument;

"health centre" means premises provided by a local health authority in accordance with the provisions of section 21 of the Act;

"listed drugs" means such drugs and medicines as are included in a list for the time being approved by the Secretary of State for the purposes of section 38 of the Act as amended by section 23 of the Health Services and Public Health Act 1968(b);

"Local Obstetric Committee" means a committee recognised by the Secretary of State for the area of a Council for the purpose of approving, in accordance with such conditions as the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors, the obstetric experience of a doctor;

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

"medical card" means a card, in a form approved by the Secretary of State, 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 doctor 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(c);

"medical list" has the meaning assigned to it in regulation 4(1);

"medical officer" means a doctor in the service of the Department of Health and Social Security, or of the Welsh Office, as the case may be;

"obstetric list" means a list of doctors whose experience in obstetrics is for the time being approved by the Local Obstetric Committee or the Secretary of State;

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

"relevant service" means whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any

(a) 1933 c. 25. (b) 1968 c. 46.
(c) S.R. & O. 1936/1163 (1936 II, p. 1877).

reserve liability, or any equivalent service by a person liable for compulsory whole-time service in those forces;

"terms of service" means, in relation to doctors, the terms of service contained or referred to in Part 1 of Schedule 1 to these regulations, and, in relation to chemists, the terms of service contained or referred to in Part I of Schedule 4 to these regulations;

"trainee general practitioner" means a doctor who is being trained in general practice under an arrangement approved by the Secretary of State;

"treatment" means medical attendance and treatment, but does not include maternity medical services unless the doctor has undertaken to provide such services to the woman concerned in accordance with these regulations.

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

(3) Except where expressly provided to the contrary, any document which is required or authorised to be given to a doctor or chemist under these regulations or the terms of service may be given by delivering it to the doctor or chemist or by sending it in a pre-paid 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.

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

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

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

(7) Unless the context otherwise requires, any references in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

PART II

Doctors

Terms of service

3. The arrangements which a Council is required by section 33 of the Act to make with doctors for the provision of personal medical services shall incorporate the terms of service.

Medical list

4.—(1) The Council shall prepare a list, to be called "the medical list", of the doctors who are entitled, pursuant to regulation 7 and Part III of these regulations, to be included on the list.

(a) 1889 c. 63.

(2) The medical list shall indicate those doctors who are on the obstetric list and who have undertaken to provide either general medical services including maternity medical services or general medical services limited to maternity medical services.

(3) The medical list shall also indicate which doctors have been relieved of the responsibility to provide services during certain periods under paragraph 15(2) of the terms of service and shall indicate against those doctors' names the doctors with whom the Council has made arrangements for the provision of services during such periods.

(4) The medical list shall contain in addition to the name of a doctor—

(*a*) the address of each place where he agrees to attend for the purpose of treating persons and the telephone number or numbers at which he is prepared to receive messages;

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

(*c*) particulars of the days and hours during which an appointments system is in operation;

(*d*) where he practises in partnership, the name of each partner;

(*e*) 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 Secretary of State;

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

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

(6) The Council shall send a copy of the medical list to the Secretary of State, 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 general medical or pharmaceutical services; and at intervals of not more than 3 months shall notify them of any alteration made in the medical list:

Provided that, if the Council considers that only portions of the medical list, or only some of the alterations thereto, are likely to concern any Board of Governors, Hospital Management Committee or persons providing general medical or pharmaceutical services, it may send to such body or persons a copy of those portions, or those alterations.

(7) Where a Council has determined in accordance with the succeeding provisions of this regulation that a doctor who has been included for the preceding 6 months in the list of doctors 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 6 months ceased to provide such services for such persons,

the Council shall, after giving the doctor 28 days' notice of its decision to do so,

remove him from the list unless the Secretary of State directs to the contrary as hereinafter provided.

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

(*a*) afford the doctor 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 doctors, and

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

(9) A doctor on whom a notice has been served under paragraph (7) may, within 21 days of receipt of the notice, appeal to the Secretary of State 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 doctor from the list.

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

(10) Nothing in this regulation shall affect a doctor who is performing a period of relevant service and no determination under this regulation shall be made in respect of any such doctor until 6 months after he has completed that service.

Reports by Council to Medical Practices Committee

5.—(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 it 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 doctor on the medical list or of the withdrawal or removal of a doctor 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

6. A Council may give public notice of any vacancy for a doctor in its area by advertisement in the press or otherwise.

Application for inclusion on the medical list or to succeed to a vacancy

7.—(1) Application by a doctor for inclusion in a medical list, except in a case to which paragraph (2) applies, shall be made by delivering or sending the application by post to the Council in the form set out in Part II of Schedule 1 to these regulations or in a form to the like effect.

(2) Application by a doctor in a case of succession to a practice declared vacant, or in a case where the Council has resolved that an additional doctor is required in a district otherwise than in succession to another doctor, shall be made in the manner aforesaid in the form set out in Part III of the said Schedule 1.

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

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 the 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 Secretary of State, 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 7 applies shall be given in such manner as the Committee may determine.

(2) Subject to the provisions of paragraph (4), 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 Secretary of State under regulation 10.

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

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

(*b*) if it thinks 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 Secretary of State of its decision; and

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

(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 Secretary of State

10.—(1) A doctor may appeal to the Secretary of State against the refusal of an application to which regulation 7 applies or the granting of such an application subject to conditions by sending to the Secretary of State notice of appeal within 7 days, or such longer period as the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State may direct, and notice of the hearing shall be sent by post to the appellant, the Committee, the Council and any doctor 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 report thereon to the Secretary of State stating the relevant facts and his or their conclusions and the Secretary of State after taking the report into consideration shall give his decision and communicate it to the appellant, the Committee, the Council and such doctors 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 of these regulations or in a form to like effect.

PART IV

Method of obtaining general medical services other than maternity medical services

Application for acceptance by doctor

12. Subject to regulation 16, application by a person for acceptance by a doctor for inclusion on his list shall be made by delivering to the doctor a medical card or a form of application signed (in either case) by that person or a person authorised on his behalf.

Allocation Committee

13.—(1) The Council shall constitute a committee (to be called "the Allocation Committee") consisting of seven members, namely—

(*a*) three persons appointed by the Local Medical Committee,

(*b*) three persons, not being doctors, appointed by the Council, and

(*c*) a chairman appointed from the members of the Council by the members of the Committee appointed under sub-paragraphs (*a*) and (*b*) of this paragraph, or, in default of such appointment, by the Council.

(2) Deputies shall be appointed, in like manner, to act in the absence of any of the members; and one of the members appointed under sub-paragraph (1)(*a*) or (*b*) shall be appointed as deputy chairman.

(3) A quorum shall be the chairman or, in his absence, the deputy chairman together with one member appointed by the Council and one appointed by the Local Medical Committee.

(4) The Allocation Committee shall exercise such powers as are conferred on it by these regulations.

Assignment of persons to doctors

14.—(1) If a person who is not on the list of any doctor has been refused acceptance by a doctor for inclusion on his list, or if a person who has been refused acceptance by a doctor as a temporary resident, applies to the Council for assignment to a doctor, his application shall be considered by the Allocation Committee, who shall assign him to and notify accordingly such a doctor as it thinks fit, having regard to—

(*a*) the distance between the person's residence and the practice premises of the doctors in the area;

(*b*) whether within the previous 6 months the person has been removed from the list of any doctor in the area at the request of the doctor; and

(*c*) such other circumstances, including those concerning the doctors in the area and their practices, as the Committee thinks relevant:

Provided that a person shall not, without the consent of the Secretary of State, be assigned under this paragraph to a doctor whose list exceeds the maximum permitted by these regulations.

(2) The Allocation Committee may authorise its Chairman or any other member or members to exercise its power of assignment under this regulation in cases in which action is necessary before a meeting of the Committee can be conveniently held.

(3) The Allocation Committee shall have power to exempt from the liability to have persons assigned to him under this regulation any doctor who applies to the Council for that purpose and in considering such an appliation shall have regard to the doctor's age and state of health and the number of persons on his list.

(4) The Allocation Committee shall have power to grant to any doctor of a class mentioned in paragraph 5 of the terms of service the relief specified in that paragraph.

(5)(*a*) A doctor may appeal to the Council against a decision of the Committee under paragraphs (1) (3) or (4) by sending to the Clerk of the Council within 7

days of the receipt of notice of decision, a notice in writing of such appeal and giving the reasons therefor.

(*b*) A doctor who has appealed against a decision under paragraph 1 shall be responsible for the treatment of the person concerned until 7 days after the next following meeting of the Council.

(*c*) The Council shall on receipt of an appeal under sub-paragraph (*a*) reconsider the decision of the Committee in a case under paragraph (1) as if the provisions thereof applied to the Council and the reasons for the appeal were included in the matters to which regard were to be given, and in any other case having regard to the reasons for the appeal; and the Council may and if the doctor so requires, shall invite the doctor to attend to support his appeal orally at the meeting of the Council at which the decision is reconsidered.

(*d*) The Council shall within 7 days after its decision on the appeal notify the doctor thereof and in the case of an appeal against a decision under paragraph (1) notify the appellant doctor, the patient and the doctor, if other than the appellant doctor, to whom the patient is assigned.

Limitation of number of persons on doctors' lists

15.—(1) Except as provided in this regulation, the maximum number of persons a doctor may have on his lists in all areas in which he provides general medical services (in addition to any persons for whom he has accepted responsibility during certain periods only, under paragraph 15(2) of the terms of service) shall be—

(*a*) 3,500 for a doctor carrying on practice otherwise than as an assistant or in a partnership;

(*b*) 4,500 for a doctor carrying on practice in partnership, subject to an average of 3,500 for each of the partners in the practice;

and so long as he employs an assistant or assistants (other than a trainee general practitioner) such further number not exceeding 2,000 for each assistant as the Council or on appeal, the Secretary of State may decide in the light of a report by the Allocation Committee on the circumstances of the practice and the amount of time given to it by the assistant and of the Committee's recommendations. The number of persons on the list of an assistant who is a principal with a list of his own shall be regarded for the purpose of this regulation as being on the list of the doctor or partners by whom he is employed.

For the purposes of determining under this paragraph the number of persons a doctor may have on his list, a doctor who is in partnership shall be deemed to be an assistant, and not a partner, unless in the opinion of the Council, or on appeal the Secretary of State, he is in the position of a principal in connection with the partnership practice and he is entitled to a share of the profits which is not less than one third of the share of the partner with the greatest share.

(2)(*a*) Where an excess number is due to—

(i) the creation of a partnership of which the doctor is a member, or

(ii) the death or retirement of a partner or the cessation of employment of an assistant, and the doctor is actively seeking a new partner or assistant,

the Council, on the doctor's undertaking not to accept further patients other than the children of existing patients, may permit him to retain, for such period not exceeding nine months as it may determine from the date of the event which gave rise to the excess number, in addition to such children, not more than the

number of patients on his list, (and in a case within (ii) above, on the list, if any, of his former partner) at that date.

(*b*) the Council with the consent of the Secretary of State, may extend any period mentioned in the preceding sub-paragraphs.

(*c*) The Council may in special circumstances with the consent of the Secretary of State, and subject, if the Secretary of State so determines, to his or their undertaking not to accept further patients other than children of existing patients, permit a doctor or partnership to have on his or their list or lists such greater number of persons than authorised under paragraph (1) as may be determined. For the purpose of this paragraph "quarter" means a period of three months ending 31st March, 30th June, 30th September or 31st December.

(3) The Council shall notify each doctor of the number of patients on his list as at the first day of each quarter and of the number of any excess. If there is an excess the doctor shall, within two months from the date on which an excess was notified to him, take steps to reduce his list to the maximum number permitted by this regulation by—

(*a*) taking a partner, or

(*b*) engaging an assistant, or

(*c*) informing the Council of the names of the necessary number of patients on his list whom he wishes to have removed from his list under paragraph 10 of the terms of service. If at the end of that time such measures have not been completely effective the Council shall remove from his list the necessary number of patients and the selection of such patients shall be at the discretion of the Allocation Committee.

(4) If a doctor gives notice under paragraph (3)(*c*), the Council shall send a notice to each person so named to inform him that he should apply to another doctor for acceptance;

Provided that if the Council, after consulting the Local Medical Committee, accepts an application for the notices to name another doctor who is willing to accept the person on his list and who has given his written consent, so however that such acceptance will not result in an excess number of patients on that other doctor's list or if that other doctor is in partnership, on the average of the partnership lists; then the notices shall be issued accordingly and the name of any such person shall be included on the list of the doctor named in the notice until such time as the person has chosen another doctor or has informed the Council in writing that he wishes not to be so included.

(5) Paragraph (4) shall also apply, with any necessary modification, where a doctor whose name is included on the medical list in respect of more than one address and who ceases to practice at one of them informs the Council of his wish to have removed from his list the persons who would have attended for treatment at the address at which he will no longer practise.

(6) In carrying out its functions under this regulation the Allocation Committee shall consult as necessary with the Council, or the Allocation Committee of the Council of any adjoining areas whose medical list includes the doctor or doctors concerned.

(7) Nothing in this regulation shall restrict a doctor from accepting persons who apply to him as temporary residents, or exempt him from any liability under the terms of service to give treatment immediately required to any person who applies for acceptance or to give emergency treatment.

Change of doctor

16.—(1) Subject to the next paragraph, a person who is on the list of a doctor may apply for acceptance by another doctor if either—

(*a*) he has changed his address from that shown on his medical card, or

(*b*) the consent of the doctor on whose list the person is included has been given, and has been written, signed and dated on the medical card, or

(*c*) the doctor on whose list the person is included has under paragraph 25 of the terms of service obtained approval to a change in the place or places where he is available for consultation and a notice has been sent to the person informing him that he may apply for acceptance by another doctor.

(2) A person who is on the list of a doctor and is not entitled to apply for acceptance under paragraph (1) may apply for such acceptance if he—

(*a*) has given notice in writing to the Council of his intention to transfer to another doctor, and

(*b*) has either—

(i) forwarded his medical card to the Council, or

(ii) if he has lost or mislaid his medical card, applied for a new card on a form supplied by the Council, and

(*c*) makes his application within a period of one month beginning—

(i) 14 days after the first receipt of the notice by the Council, or

(ii) if the card or form was not forwarded either with the original notice or within 7 days thereafter, 7 days after the receipt of the medical card or completed application form,

and the Council shall notify him as soon as practicable when the period referred to in sub-paragraph (*c*) expires. If, within the period specified in sub-paragraph (*c*), the person is refused acceptance by another doctor, and he wishes the Council to assign him to a doctor, he shall, within one month, apply to the Council to be so assigned and the Council will remove his name from the first doctor's list and assign him to another doctor in accordance with the provisions of regulation 14, and inform both doctors accordingly.

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

(4) A Council shall inform a doctor as soon as practicable of the removal of a patient from his list on transfer to the list of another doctor.

(5) Where a successor is appointed to a practice declared vacant, the Council shall notify to the persons on the list of the doctor who last carried on that practice the name and address of the successor, and, if the successor is practising in partnership, 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 Secretary of State has allowed an appeal against the Committee's decision respecting the succession to the practice, the Secretary of State, may deem another doctor to be the successor, and the Council shall notify the said persons accordingly.

(6) Where, on the death of a doctor on the medical list or on the removal or withdrawal from the medical list of a doctor, the practice is not declared vacant

and the Council and the Local Medical Committee are of opinion that one or more doctors on the medical list should be regarded as succeeding in whole or in part to the practice of the first-mentioned doctor, the Council shall notify the persons on the list of that doctor 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.

(7) Any notice given under either of the last two preceding paragraphs shall state that the successor is willing to accept the person to whom it is given and that that person shall be deemed to be included on the list of the successor as from the date specified in the notice unless not later than 14 days after that date he has chosen another doctor or given notice in writing to the Council of his desire not to be so included.

(8) A doctor who has performed a period of relevant service recognised by the Secretary of State 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 has been so notified it shall within 7 days send a notice to every person who was on the doctor's list at the beginning of such service, who is still residing at the address at which he was then residing and who has been transferred to the list of another doctor, stating that the first doctor has resumed practice and that the person will be restored to his list unless, not later than 14 days after the date of the notice, that person gives notice in writing to the Council that he wishes to remain on the list of that other doctor. After the said period of 14 days has elapsed, the Council shall inform each of the other doctors concerned of the persons who are transferred from his list to the list of the first doctor and shall also inform each other doctor of the persons who have elected to remain on his list.

(9) When a doctor is relieved of the obligation to provide services at certain periods under paragraph 15(2) of the terms of service the Council shall notify the persons on his list of the fact. If the doctor subsequently resumes responsibility for providing services at all times the Council shall notify the persons on his list of the fact.

Temporary arrangements for practice on retirement, death etc.

17.—(1) For the purpose of securing the treatment of persons whose doctor has ceased to be included on the medical list, the Council may, after consultation with the Local Medical Committee, appoint one or more doctors to undertake the treatment of such persons; and, if it makes such an appointment, it may make such arrangements, as it thinks fit for the accommodation and other needs of a doctor so appointed:

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

(2) An appointment of any doctor under this regulation shall be for such period as the Council thinks fit and shall be subject to the condition that any doctor appointed under this regulation agrees in writing to be bound by the terms of service which were applicable to the doctor who has ceased to be included on the medical list; and during the period of any such appointment any person who has

not been transferred to another doctor shall be deemed to remain on the list of the doctor who has ceased to be included on the medical list.

Removal of person from doctor's list

18.—(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 doctor's list and the Council shall forthwith inform him and the doctor that on a specified date, being 14 days after the date of the receipt of the notice by the Council, his name will be removed from the doctor's list.

(2) Subject to the provisions of paragraph (4) where the Council, on being informed by the doctor or after due enquiry, is satisfied that a person on the list of a doctor providing general medical services in the area of the Council no longer resides at a place where that doctor is under an obligation under these regulations to visit and treat him, the Council shall inform that person and the doctor that because of the person's change of address the doctor is no longer obliged to visit and treat the person if his condition so requires. The Council shall advise the person either to obtain the doctor's agreement under paragraph 13 of the terms of service to visit him if his condition so requires, or to seek acceptance by another doctor, and shall inform him that if after the expiration of one month from the date of the letter of advice he has not acted in accordance with the advice, the Council will remove him from his doctor's list. If at the expiration of a month, the Council has not been notified of the action taken, it shall remove him from the doctor's list and inform the patient and doctor accordingly.

(3) Where a person on the list of a doctor providing general medical services has moved to an address outside the Council's area or the address of that person is no longer known to the Council, the Council shall give to that doctor notice in writing that it intends, at the end of the period specified therein (being a period of six months commencing with the date of the notice, or such shorter period as in a particular case the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors), to remove the person from the doctor's list, and at the end of the said period the Council shall remove the person from the doctor's list, unless within that period the doctor satisfies the Council that he is still responsible for providing general medical services for that person, including visiting and treating him when necessary.

(4)(*a*) The Council shall, on receiving particulars of persons who are pupils at or staff or residents of, a school or residential institution where the doctor provides general medical services, forthwith remove from the doctor's list any person appearing on his list as pupils at, or staff or residents of, such a school or institution who are not shown in the said particulars.

(*b*) Where the Council has made a request to a school or institution to provide such particulars and has not received them, it may, after consulting the doctor, remove from the doctor's list, if it thinks fit, any persons appearing thereon as pupils at, or staff or residents of, such school or institution.

Arrangements for temporary residents

19.—(1) A person requiring treatment who—

(*a*) is residing temporarily in a district and is not on the list of a doctor providing general medical services in that district, or

(*b*) normally resides in a school or similar institution but is temporarily residing at home in the same district, or

(*c*) normally resides at home but is temporarily residing in any institution in the same district, or

(*d*) is moving from place to place and is not for the time being resident in any place,

may apply to any doctor providing services in the district in which he is temporarily residing to be accepted by him as a temporary resident and, subject to paragraph (2), if he is so accepted and is a person mentioned in sub-paragraph (*a*), (*b*) or (*c*) of this paragraph, he shall not be removed from the list of any doctor on which he is already included.

(2) For the purposes of this regulation a person shall be regarded as temporarily resident in a place, if when he arrives in that place, he intends to stay there for more than 24 hours but not more than 3 months; and if the Council for the area in which he is included on any doctor's list is satisfied, after due enquiry, that his stay in the district of temporary residence has exceeded three months and that he has not returned to that Council's area, that Council shall thereupon remove him from that doctor's list and, if practicable, inform him of that fact and of his entitlement to seek acceptance by any doctor, including the doctor by whom he has been treated as a temporary resident, in the area in which he is living, and of the name and address of the Council for that area.

Doctors' lists

20.—(1) The Council shall prepare and keep revised up to date a list for each doctor on its medical list of the patients in its area for whom that doctor is, for the time being, responsible and shall from time to time furnish the doctor with information in such form, as the Secretary of State may determine with regard to persons included on or removed from that list.

(2) Subject to the provisions of regulation 16(6), a person accepted by a doctor for inclusion on his list shall be included on the list from the date on which notification of acceptance is received by the Council.

(3) Where a person for whose treatment a doctor is responsible dies, or is absent from the United Kingdom for a period of 3 months, he shall be removed from the doctor's list from the date on which the Council first receives 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 of 3 months or is in Her Majesty's Forces or is serving a prison sentence of more than 2 years or sentences totalling in the aggregate more than that period, he shall be removed from the doctor's list from the date on which the Council first receives notification of such departure, enlistment or imprisonment.

(5) Any removal from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in pursuance of a notice given under regulations 16(4) or (5), shall take effect from the date on which the Council receives notification of the acceptance of the person by the last-named doctor, 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 doctors.

(6) Any other removal from a doctor's list shall take effect from the date on which notice of removal is sent by the Council to the doctor 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

21.—(1) A woman who, after a doctor has diagnosed that she is pregnant, requires the provision of maternity medical services may arrange for the provision of such services with either—

(*a*) any doctor on the obstetric list, or

(*b*) the doctor on whose list she is included, or

(*c*) any doctor who has accepted her as a temporary resident under regulation 19(1).

(2) A woman who has arranged with a doctor for the provision of maternity medical services may agree with him to terminate that arrangement. In default of such agreement she may apply to the Council for permission to terminate the arrangement and the Council after considering the representations if any made by either party and after consulting the Local Medical Committee may terminate the arrangement. Where an arrangement is terminated either under this paragraph or as a result of an application by the doctor under paragraph 12 of the terms of service, the woman shall have the right to make a fresh arrangement.

PART VI

Payments to doctors

Payments to doctors

22.—(1) For each financial year ending on 31 March the Council shall make payments to doctors providing general medical services in its area in accordance with such rates and subject to such conditions as the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors providing general medical services and publish in a Statement. The determination shall make provision for the following matters:—

(*a*) basic and supplementary practice allowances, and additional allowances for designated areas, group practice, vocational training, seniority and employment of assistants;

(*b*) standard and supplementary capitation fees and capitation fees for elderly patients;

(*c*) fees for items of service and for temporary residents;

(*d*) fees and allowances for the supply of drugs and appliances, and for rural practice and fees for maternity medical services;

(*e*) allowances for post-graduate training, for training doctors and for initial practice or inducement to practise;

(*f*) allowances for practice expenses and for improvement of premises;

(*g*) group practice loans;

and may be amended from time to time by the Secretary of State after consultations with such organisations and published as aforesaid.

(2) Where a doctor is on the medical list of more than one Council, any payment due to the doctor may, where the Statement so provides, be made by one Council on behalf of all Councils concerned.

PART VII

Chemists

Terms of service

23. The arrangements which a Council is required by section 38 of the Act to make for the supply of proper and sufficient drugs and medicines and prescribed appliances to all persons in its area who are receiving general medical services, and of listed drugs to all persons in its area who are receiving general dental services, shall incorporate the terms of service.

Pharmaceutical list

24.—(1) The Council shall prepare a list, to be called "the pharmaceutical list" which shall contain:—

(*a*) the names of the chemists who pursuant to the provisions of paragraph (2) have undertaken to provide pharmaceutical services in its area,

(*b*) the address of any place of business at which the chemist has undertaken to provide pharmaceutical services,

(*c*) particulars of the days and hours at which each such place of business is open for the provision of such services,

and which shall indicate the chemists who have undertaken to supply drugs or appliances or both and shall distinguish those who are entitled to dispense.

(2)(*a*) A chemist who wishes to be included on the pharmaceutical list shall apply to the Council in the form set out in Schedule 4 Part II to these regulations or in a form to the like effect,

(*b*) A person other than a chemist who wishes so to be included shall apply in the form set out in Schedule 4 Part III to these regulations, or in a form to the like effect.

(3) The Council shall send a copy of the pharmaceutical list to the Secretary of State and to the Local Medical, Dental and Pharmaceutical Committees, and shall within 14 days of any alteration in the pharmaceutical list inform each of them thereof.

Removal from pharmaceutical list

25.—(1) Where a Council has determined that a chemist whose name has been included on the pharmaceutical list:

(*a*) has died, or

(*b*) has ceased from being a chemist,

the Council shall remove the chemist's name from the pharmaceutical list:

Provided that the name of any chemist whose business is carried on by representatives in accordance with the provisions of the Pharmacy and Poisons Act 1933(**a**) shall not be removed from the pharmaceutical 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.

(2) Where a Council has determined in accordance with the succeeding provisions of this regulation that a chemist whose name has been included for the preceding six months on the pharmaceutical list, has not during that period provided pharmaceutical services the Council shall remove the chemist's name from the pharmaceutical list.

(a) 1933 c. 25

(3) Before making any determination under paragraph (2), the Council shall,

(*a*) give the chemist 28 days notice of their intention so to do,

(*b*) afford the chemist 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 Local Pharmaceutical Committee and

(*c*) consult the Local Pharmaceutical Committee.

(4) Nothing in paragraphs (2) and (3) shall

(*a*) prejudice the right of a chemist to be included again in the pharmaceutical list or

(*b*) affect a chemist who is performing a period of relevant service and no removal under paragraphs (2) and (3) shall be effected in respect of any such chemist until six months after he has completed that service.

(5) Any document which is required or authorised to be given to a chemist under this regulation may be given by delivering it to him or by sending it by recorded delivery service to his usual or last known place of business as recorded in the pharmaceutical list.

Standards of and payments for drugs and appliances

26.—(1) For the purpose of enabling arrangements to be made for the provision of pharmaceutical services the Secretary of State shall compile and publish a statement (in these regulations referred to as 'the Drug Tariff') which he may amend from time to time and which shall include,

(*a*) the standards of quality for drugs and prescribed chemical reagents;

(*b*) specifications for appliances;

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

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

(*e*) the method of calculating the payment for containers and medicine measures;

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

(*g*) arrangements for claiming fees, allowances and remuneration for the provision of pharmaceutical services;

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

(2) The prices referred to in paragraph (1)(*c*) may be fixed prices or may be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost of drugs and appliances.

Schemes for securing proper pharmaceutical services

27.—(1) The Council, after consultation with the Local Pharmaceutical Committee, shall prepare schemes,

(*a*) for testing the quality and checking the amount of the drugs and appliances supplied, provided however that for the purpose of such

scheme a drug or appliance dispensed and awaiting collection shall be deemed to be supplied and

(*b*) for securing that one or more places of business on the pharmaceutical list in each district in the Council's area shall at all reasonable times be open which scheme shall specify the days and hours during which such places shall be open.

(2) Any such scheme may at any time be amended by the Council after consultation with or at the request of the Local Pharmaceutical Committee.

(3) The provisions of any such scheme or of any amendment thereto shall be subject to the approval of the Secretary of State.

(4) If the Council and the Local Pharmaceutical Committee fail to agree on any provision of or on any amendment to a scheme it shall be referred to the Secretary of State whose determination shall be final.

Publication of particulars

28. Copies of the pharmaceutical list, the terms of service, the Drug Tariff and any schemes under regulation 27 shall be available for inspection at the offices of the Council and such other places in its area as appear to the Council to be convenient for informing all persons interested and shall be kept revised and up to date.

PART VIII

Supply of drugs, etc. by doctors

Arrangements for supply by doctors 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 doctor on whose list he is included to supply him with drugs and appliances.

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

(*b*) If the doctor 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 it or, on appeal, the Secretary of State 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 doctor 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 doctor 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 an appliance is one for which a doctor 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 it thinks 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 it 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 terms of office of members of the dispensing committee, the procedure of that committee and the making of reports of its proceedings to the Council.

PART IX

Miscellaneous

Appliances and chemical reagents

30.—(1) The articles mentioned in Part 1 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 these purposes unless it complies with the specifications applicable thereto contained in the Drug Tariff;

(*b*) a mask shall be a prescribed appliance for these purposes 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 chemical reagents for the purposes of the said section 38.

Publication of particulars of arrangements

31. The Council shall cause to be published in its area, in such manner as appears to it best caclulated 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 doctors 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 thinks proper.

Exercise of choice of doctor or chemist in certain cases

32. 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 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.

Claims and overpayments

33.—(1) Any claim for fees, allowances or remuneration by doctors or chemists shall be made in accordance with the provisions of the Statement under regulation 22 or the Drug Tariff.

(2) Where the Council considers that it has made a payment to a doctor or chemist owing to an error or in circumstances when it was not due and the overpayment is admitted by him, it shall be recovered by a deduction 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**) as amended(**b**), for investigation, and if the Council, or the Secretary of State on appeal, decides that there has been an overpayment, the amount overpaid shall be recovered by a deduction from the remuneration of the doctor or chemist, or otherwise.

(3) Recovering 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.

Reports by Local Medical Committees

34. Where under paragraphs 40 or 42 of the terms of service a doctor is required by the Council to supply a report to the Local Medical Committee, that Committee shall consider any report so supplied and make a report to the Council as to the doctor's fitness for carrying out his obligations under the terms of service.

Application of regulations to Isles of Scilly

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

(*a*) any provision in the regulations requiring consultation with, or the agreement or opinion of, the Local Medical Committee or the Local 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 for the Isles of Scilly has been recognised by the Secretary of State under section 32 of the Act,

(*b*) for regulation 13 there shall be substituted the following provision: The Council shall constitute a committee (to be called "the Allocation Committee") consisting of a chairman and such numbers of persons appointed by the Council and if a Local Medical Committee for the Isles of Scilly is recognised by the Secretary of State by the Local Medical Committee as the Council thinks fit.

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

(**b**) S.I. 1965/54, 1366, 1969/354 (1965 I, p. 69; II, p. 3878; 1969 I, p. 988).

Revocation of regulations

36. The National Health Service (General Medical and Pharmaceutical Services) Regulations 1966(**a**) as amended by regulation 3(4) of the National Health Service (Charges for Drugs and Appliances) Regulations 1968(**b**) and regulation 3 of the National Health Service (General Dental Services) Amendment Regulations 1969(**c**) 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 statement, scheme, list, tariff, certificate, notice, requirement, appeal, decision, appointment, agreement, arrangement, condition, application, delegation of powers, or standing order made, prepared, issued or given under the regulations so revoked, and every such statement, 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.

Keith Joseph,
Secretary of State for Social Services.

24th October 1972.

(**a**) S.I. 1966/1210 (1966 III, p. 3228).
(**b**) S.I. 1968/759 (1968 II, p. 2134).
(**c**) S.I. 1969/217 (1969 I, p. 605).

SCHEDULE 1

PART 1

TERMS OF SERVICE FOR DOCTORS

Arrangement of paragraphs

Paragraphs

1—2 Interpretation

3 General

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6—9 Acceptance of patients

10—12 Termination of responsibility for patients.

13—14 Service to patients

15—23 Absences, deputies, assistants and partners

24—28 Arrangements at practice premises

29 Practice area

30 Records

31 Certification

32—34 Acceptance of fees

35—38 Prescribing and dispensing

39 Reports to the medical officer etc.

40—43 Continued absence or disability of doctor

44—45 Withdrawal from medical list

46 Incorporation of provisions of regulations, etc.

Interpretation

1. In these terms of service, unless the context otherwise requires,—

(*a*) "assistant" includes a trainee general practitioner;

(*b*) "deputising service" means any person or body carrying on a business which consists of, or includes, providing a deputy or deputies for doctors for periods which normally do not exceed 48 consecutive hours;

(*c*) "practice area" means, subject to paragraph 29, the district in which a doctor in his application to be included on the medical list or to suceed to a practice declared vacant undertook to visit patients;

(*d*) "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1972(a); and any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations; and

(*e*) other words and expressions have the same meaning as in the regulations.

2. Unless the context otherwise requires, any reference in these terms of service to a numbered paragraph is a reference to the paragraph bearing that number in these terms of service, and any reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph.

(a) S.I. 1972/1602 (1972 III, p. 4656).

General

3. Where a decision whether any, and if so what, action is to be taken under these terms of service requires the exercise of professional judgment, a doctor shall in reaching that decision not to be expected to exercise a higher degree of skill, knowledge and care than general medical practitioners as a class may reasonably be expected to exercise.

A doctor's patients

4.—(1) Subject to paragraphs 10 to 12, a doctor's patients are—

(*a*) persons who are recorded by the Council as being on his list;

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

(*c*) for the limited period specified in sub-paragraph 3, persons whom he has refused to accept;

(*d*) persons who have been assigned to him under regulation 14;

(*e*) for the limited period mentioned in sub-paragraph 4, persons in respect of whom he has been notified that an application has been made for assignment to him under the proviso to regulation 14(1);

(*f*) persons whom he has accepted as temporary residents under paragraph 7 and regulation 19;

(*g*) in respect of services under paragraph 8, persons to whom he has agreed to provide those services;

(*h*) persons to whom he may be requested to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area if:—

(i) he is not a doctor to whom paragraph 5 applies, and

(ii) he is not, at the time of the request, relieved under paragraph 16(2) of his obligation to give treatment personally, and

(iii) he is available to provide such treatment, and

(iv) there is no doctor who, at the time of the request, is under an obligation otherwise than under this sub-paragraph to give treatment to that person, or, there is such a doctor and, after being requested to attend, he is unable to attend and give treatment immediately required.

(*i*) persons in relation to whom he is acting as deputy to another doctor under these terms of service;

(*j*) during the period of an appointment under regulation 17, persons whom he has been appointed to treat temporarily;

(*k*) in respect of maternity medical services, women for whom he has undertaken to provide such services; and

(*l*) during the hours arranged with the Council, any person whose own doctor has been relieved of responsibility during those hours under paragraph 15 and for whom he has accepted responsibility under that paragraph;

but no person shall be a patient for the purposes of this sub-paragraph if the doctor has been notified by the Council that he is no longer responsible for the treatment of that person.

(2) If a person applies to a doctor for treatment and claims to be on that doctor's list, but fails to produce his medical card on request and the doctor has reasonable doubts about that person's claim, the doctor shall give any necessary treatment and shall be entitled to demand and accept a fee under paragraph 32(*f*), subject to the provision for repayment contained in paragraph 33.

(3) If a doctor refuses to accept for inclusion on his list a person who lives in his practice area and who is not on the list of another doctor practising in that area, or refuses to accept as a temporary resident a person to whom regulation 19 applies, he shall on request give that person any immediately necessary treatment for one period not exceeding 14 days from the date when that person was refused acceptance or until that person has been accepted by or assigned to another doctor, whichever period is the less.

(4) Where the Council has notified a doctor that it is applying for the Secretary of State's consent under the proviso to regulation 14(1), the doctor shall give the person proposed for assignment any immediately necessary treatment until the Council has notified him that—

(*a*) the Secretary of State has determined that the person shall not be assigned to that doctor, and

(*b*) either the person has been accepted by, or assigned to, another doctor or another doctor has been notified that an application has been made under the proviso to regulation 14(1) to assign that person to him,

but where the Secretary of State has determined that a person shall not be assigned to a doctor, and the Council is satisfied, after due enquiry, that the person still wishes to be assigned to a doctor, the Council shall as soon as practicable request its Allocation Committee to assign that person to another doctor or, as the case may be, seek the Secretary of State's consent to assignment to another doctor under the proviso to regulation 14(1).

5. A doctor, who is elderly or infirm or who has been exempted by the Allocation Committee under regulation 14(3) from the liability to have persons assigned to him may be relieved by that Committee of any liability for emergency calls arising between 7 pm on weekdays and 8 am on the following morning and between 1 pm on Saturday and 8 am on the following Monday to persons who—

(*a*) are not on his list, or

(*b*) are not temporary residents for whom he is responsible, or

(*c*) have not been accepted by him for the provision of maternity medical services.

Acceptance of patients

6.—(1) Subject to sub-paragraph (2), a doctor may agree to accept a person on his list if the person was eligible to be accepted by him.

(2) While a doctor is responsible for treating the patients of another doctor who has given notice of retirement to the Council or has died, he may not consent to the transfer of any of those patients under regulation 16 to his own list or that of his partner or principal.

(3) When a doctor has agreed to accept a person on his list, he shall within 2 weeks of receiving it, or as soon thereafter as is practicable, send to the Council, the medical card or form of application, signed by or on behalf of both the person and the doctor. Where any person is authorised by the doctor to sign the card or form on behalf of that doctor, he shall, in addition to his own signature, add the doctor's name.

7. A doctor may accept a person requiring treatment as a temporary resident in accordance with regulation 19 and the provisions of regulation 15 concerning the maximum number of persons he may have on his list shall not restrict him from accepting such a person as a temporary resident.

8. A doctor may—

(*a*) take a cervical smear from a woman who would be eligible for acceptance by him as a temporary resident or for whom he has undertaken to provide maternity medical services; or

(*b*) vaccinate or immunise a person who would be eligible for acceptance by him as a temporary resident.

9. A doctor may undertake to provide maternity medical services required by a woman on his list or by a woman whom he has accepted as a temporary resident, or, if he is a doctor on the obstetric list, by any woman.

Termination of responsibility for patients

10. A doctor may have any person removed from his list by requiring the Council so to do and the removal shall take effect on the date of acceptance by, or assignment to, another doctor or on the eighth day after the Council is so required whichever first occurs, but, if the doctor is treating the person at the date when removal would take effect (otherwise than at intervals of more than a week) the doctor shall inform the Council of the fact and removal shall take effect on the eighth day after the Council receives notification from him that the patient no longer needs such treatment or upon acceptance by another doctor, whichever first occurs.

11. A doctor desiring to terminate his responsibility for a temporary resident may so inform the Council; and the date on which his responsibility ceases shall be decided under paragraph 10, as if the temporary resident were a person on his list.

12. A doctor may cease to provide maternity medical services to a woman by agreement with her. In default of agreement the doctor may apply to the Council for permission to terminate the arrangements and the Council may terminate the arrangement after considering the representations, if any, made by either party, and after consulting the Local Medical Committee. Where, under paragraph 44(*b*), a doctor ceases to provide any maternity medical services, he shall inform any woman for whom he has arranged to provide such services that he is ceasing to provide them and that she may make fresh arrangements to receive those services from another doctor in accordance with regulation 21.

Service to patients

13. Subject to paragraph 3, a doctor shall render to his patients all necessary and appropriate personal medical services of the type usually provided by general medical practitioners. He shall do so at his practice premises or, if the condition of the patient so requires, elsewhere in his practice area or at the place where the patient was residing when accepted by the doctor, or if a patient was on the list of a practice declared vacant, when the doctor succeeded to the vacancy, or at some other place where the doctor has agreed to visit and treat him if the patient's condition so requires, and has informed the patient and the Council accordingly. The doctor shall not be required to visit and treat the patient at any other place. Such services include arrangements for referring patients as necessary to the hospital and specialist services, the general ophthalmic services and the local authority health services and advice to enable them to take advantage of the local authority social services. Except in an emergency, this paragraph shall not impose an obligation on the doctor to provide maternity medical services unless he has undertaken to do so.

14. A doctor shall, unless prevented by an emergency, attend and treat any patient who attends for the purpose at the places and during the hours for the time being approved by the Council under paragraph 24 other than a patient who attends when an appointment system is in operation and who has not previously made, and is not given an appointment to see the doctor then. In such a case the doctor may decline to attend and treat the patient during that surgery period, if the patient's health would not thereby be jeopardised and the patient is offered an appointment to attend within a reasonable time having regard to all the circumstances. The doctor shall take all reasonable steps to ensure that a consultation is not so deferred without his knowledge.

Absences, deputies, assistants and partners

15.—(1) Subject to sub-paragraph (2) a doctor is responsible for ensuring the provision for his patients of the services referred to in paragraph 13.

(2) A doctor may be relieved of this responsibility (except for persons mentioned in paragraphs 4(1)(*h*),(*j*) and (*k*)) during such times as may be approved by the Council. Such relief—

(*a*) shall not be given unless the Council has been able to make satisfactory arrangements with another doctor or doctors for the treatment of patients during those times; and

(*b*) shall not affect a doctor's responsibility for treatment requested but not given during the period when he is responsible for services.

(3) A doctor to whom such relief is given shall inform any person who applies to him for acceptance (whether for inclusion on his list or as a temporary resident) of the hours during which he is responsible for services.

(4) A doctor who undertakes the responsibility for providing services for another doctor's patients under this paragraph shall as soon as practicable inform the other doctor of any services he has given to those patients.

16.—(1) Subject to sub-paragraphs (2) and (3) a doctor shall give treatment personally.

(2) In the case of general medical services other than maternity medical services, a doctor shall be under no obligation to give treatment personally if such reasonable steps as are appropriate are taken to ensure continuity of treatment, and treatment may be given—

(*a*) by another doctor acting as deputy, whether or not he is a partner or assistant, or

(*b*) if it is treatment which it is clinically reasonable in the circumstances to delegate, by a person whom the doctor has authorised and who is competent to carry out such treatment.

(3) In the case of maternity medical services, a doctor on the obstetric list shall not without the consent of the Council employ for the purposes of providing such services a deputy or assistant who is not, or is not qualified by experience to be, a doctor on the obstetric list, but this sub-paragraph shall not apply where there has been a summons to an obstetric emergency. In this sub-paragraph, a summons to an obstetric emergency means a summons by a midwife or on behalf of the patient to attend when medical attention is required urgently, in cases of illness of the patient or infant or in the case of any abnormality becoming apparent in the patient or infant during pregnancy, labour or the lying-in period.

17.—(1) In relation to his obligations under these terms of service a doctor is responsible for all acts and omissions of any doctor acting as his deputy, whether or not he is a partner or assistant, or of any person employed by him or acting on his behalf:

Provided that a doctor shall not be responsible for any act or omission for which a deputy is responsible under sub-paragraph (2).

(2) A doctor who is included on the medical list, when acting as deputy to another doctor who is also included on that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy and for the acts and omissions of any person employed by him.

18. A doctor shall inform the Council of any standing deputising arrangements, unless the deputy is an assistant of the doctor or is a doctor included in the medical

list of a Council and the deputy will carry out these arrangements at the premises at which the doctor practises. When a doctor proposes to be absent from his practice for more than a week, he shall inform the Council of the name of the doctor or doctors responsible for his practice during his absence.

19.—(1) Before entering into arrangements with a deputising service for the provision of a deputy or deputies, a doctor shall obtain the consent of the Council. In giving such consent, the Council may also impose such conditions as it considers necessary or expedient to ensure the adequacy of such arrangements. Before refusing consent or imposing conditions, the Council shall consult the Local Medical Committee.

(2) The Council may at any time, and shall periodically, review in consultation with the Local Medical Committee any such consent given or conditions imposed and may withdraw such consent or vary such conditions.

(3) A doctor may appeal to the Secretary of State against refusal of consent or the imposition of a condition under sub-paragraph (1) or against withdrawal of consent or variation of conditions under sub-paragraph (2). In determining such an appeal the Secretary of State may substitute for the Council's decision such decision and conditions as he thinks fit.

20. A doctor shall take reasonable steps to satisfy himself that a doctor whom he proposes to employ as a deputy or assistant is not disqualified for inclusion on the medical list of the Council under section 42 of the Act or has not given an undertaking that he will not apply for admission to a Council's medical list; and he shall not without the consent of the Secretary of State knowingly employ a doctor who is so disqualified or has given such an undertaking.

21.—(1) A doctor shall inform the Council of the name of any assistant he employs and of the termination of such employment, and shall not employ any one or more assistants for a total period of more than three months in any period of 12 months without the consent of the Council. The Council shall periodically review and may withdraw any consent given, but, before refusing or withdrawing consent, the Council shall consult the Local Medical Committee. The doctor may appeal to the Medical Practices Committee against refusal or withdrawal of consent.

(2) Any withdrawal of consent under the foregoing paragraph shall not have effect until the expiration of a period of one month after the date of notification of withdrawal.

Provided that if a doctor appeals to the Medical Practices Committee against the withdrawal, and the Medical Practices Committee dismisses the appeal, the withdrawal shall not take effect until after such date as that Committee determines being not less than one month after the date of such dismissal.

22. A doctor acting as a deputy may treat patients at places and at times other than those arranged by the doctor for whom he is acting, but due regard shall be had to the convenience of the patients.

23. When issuing a document under these terms of service a deputy or assistant (other than a partner or assistant whose name is included on the medical list) shall enter on it the name of the doctor for whom he is acting, if it does not already appear, as well as signing the document himself.

Arrangements at practice premises

24. A doctor shall provide proper and sufficient accommodation at his practice premises having regard to the circumstances of his practice, and shall, on receipt of a

written request from the Council, allow inspection of those premises at a reasonable time by a member or officer of the Council or Local Medical Committee or both, authorised by the Council for the purpose.

25. Subject to—

(*a*) the terms in which the Medical Practices Committee granted his application for admission to the medical list or to succeed to a practice declared vacant, or

(*b*) any condition imposed by the Medical Practices Committee, or, on appeal, by the Secretary of State, under section 34(4) or 34(6), as the case may be, of the Act,

a doctor shall obtain the approval of the Council, or, on appeal, the Secretary of State, to the places where and the times during which he is available for consultation whether or not he operates an appointment system, and to any changes in them. The Council shall consult the Local Medical Committee and approval shall not unreasonably be withheld. Approval may be given subject to such conditions as seem necessary to the Council, or to the Secretary of State, to enable the doctor to carry out his obligations under these terms of service. The Council may, as it considers appropriate, require a doctor to inform his patients, by displaying a notice in his waiting room or sending notices to them, of any special arrangements for the conduct of his practice or of any substantial changes in his practice arrangements.

26. A doctor who—

(*a*) intends to operate an appointment system, or

(*b*) succeeds to a practice where such a system is in force, or

(*c*) joins a partnership operating such a system,

shall notify the Council of any appointment system which he proposes to operate or, as the case may be, of any proposal to discontinue such a system.

27. A doctor 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 (referred to in this paragraph as "the practice premises") which have been previously occupied or used for the purpose of his practice by another doctor (referred to in this paragraph as "the former occupant") whose practice has been declared vacant and to whose practice a successor has been, or is to be, appointed; but this provision shall not apply—

(*a*) where the former occupant 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 practice premises upon terms to be approved by the Medical Practices Committee and upon terms that the offer cannot be withdrawn within 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 former occupant was a member of a partnership and the doctor concerned is another member of the partnership who acquires the practice 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 former occupant's intended retirement was given to the Council concerned, or the date of the former occupant's death; or

(*e*) where the doctor is using the practice premises in consequence of temporary arrangements for the carrying on of the practice made either under regulation 17 or by agreement between the former occupant or his executors or administrators and the successor pending the approval of the Medical Practices Committee to a proposed sale or lease of the practice premises to the successor.

In this paragraph "successor" means the doctor appointed by the Medical Practices Committee or, in the case of an appeal, by the Secretary of State, to succeed to the practice in accordance with regulations 9 and 10 and "the date on which the successor was appointed" means the date on which the successor is informed 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 Secretary of State.

28.—(1) Subject to sub-paragraph (2), a doctor shall not without the consent of the Council, or an appeal the Medical Practices Committee, start to practice at any house, flat, surgery, branch surgery or other similar premises (referred to in this paragraph as "the practice premises") within 1 year of their having ceased to be occupied or used for the purpose of his practice by another doctor (referred to in this paragraph as "the former occupant") who was within one month of such cessation practising at group practice premises as a member of a group or at a health centre less than 3 miles away (in either case) from the practice premises.

(2) Sub-paragraph (1) shall not apply—

(*a*) where the former occupant gives written consent to another doctor to use the practice premises, or

(*b*) after the former occupant has (or if there were more than one former occupant, all the former occupants have) ceased to practise at the group practice premises as a member of a group or at the health centre,

(*c*) to any of the former occupants who has ceased to practise at such premises as are mentioned in sub-paragraph (2)(*b*).

(3) In this paragraph "group practice premises" means premises where practice is wholly or mainly carried on by doctors who are eligible for an additional payment in respect of practice as members of a group.

Practice Area

29.—(1) Subject to sub-paragraph (2), a doctor may at any time with the consent of the Council, or, on appeal, the Secretary of State, alter the extent of his practice area.

(2) A doctor shall not, contrary to any condition imposed by the Medical Practices Committee, or, on appeal, the Secretary of State under Section 34(4) or 34(6), as the case may be, of the Act, open practise premises in any area or part of the area of a Council, where, at the time of his application to open such premises, the Medical Practices Committee is of the opinion that the number of medical practitioners undertaking to provide general medical services in that area or part is already adequate.

Records

30. A doctor shall—

(*a*) keep adequate records of the illnesses and treatment of his patients on forms supplied to him for the purpose by the Council, and

(*b*) forward such records to the Council on request, as soon as possible, and

(*c*) within 14 days of being informed by the Council of the death of a person on his list and in any case not later than one month of otherwise learning of such a death, forward the records relating to that person to the Council.

Certification

31. A doctor shall issue for his patients 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 except, when, for the condition to which the certificate relates, the patient—

(*a*) is being attended by another doctor (other than a partner, assistant or other deputy of the first-named doctor), or

(*b*) is not being treated by, or under the supervision of, a doctor,

and any certificate given under this paragraph for the purposes of the National Insurance Acts 1965-1971 or the National Insurance (Industrial Injuries) Acts 1965-1971 shall be issued in accordance with any regulations made or having effect under those Acts.

Acceptance of fees

32. A doctor shall not demand or accept a fee or other remuneration for any treatment, including maternity medical services, whether under these terms of service or not, which he gives to the person for whose treatment he is responsible under paragraph 4 except—

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

(*b*) from any body, employer or school for a routine medical examination of persons for whose welfare the body, employer or school is responsible, or an examination of such persons for the purpose of advising the body, employer or school of any administrative action they might take;

(*c*) for treatment which is not of a type usually provided by general practitioners and which is given—

(i) pursuant to the provisions of sections 1 and 2 of the Health Services and Public Health Act 1968(**a**), or

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

if (in either case) the doctor is serving on the staff of a hospital providing hospital and specialist services as a specialist providing treatment of the kind the patient requires and if within 7 days from giving the treatment the doctor supplies the Council, on a form provided by it for the purpose, with such information about the treatment as it may require;

(*d*) under section 213 of the Road Traffic Act 1960(**b**);

(*e*) 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;

(*f*) when a doctor treats a patient under paragraph 4(2), in which case the doctor shall be entitled to demand and accept a reasonable fee (recoverable under paragraph 33) for any treatment given and for any drugs and appliances supplied, if he gives the patient a receipt on a form supplied by the Council;

(*g*) for either the prescribing of a contraceptive drug or the prescribing and fitting of a contraceptive appliance where the drug or appliance is not necessary to

(**a**) 1968 c. 46. (**b**) 1960 c. 16.

preserve the patient's physical or mental health, and is not ordered on a form provided by the Council for the purpose of paragraph 37, so however that no remuneration shall be demanded or accepted for an examination or advice connected with such prescribing or fitting;

(*h*) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings which the police are minded to bring against him;

(*i*) for treatment consisting of an immunisation for which no remuneration is payable by the Council in pursuance of the Statement made under regulation 22 and which is requested in connection with travel abroad;

(*j*) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground.

33. If a person from whom a doctor received a fee under paragraph 32(*f*) applies to the Council for a refund within 14 days of payment of the fee (or such longer period not exceeding a month as the Council may allow if it is satisfied that the failure to apply within 14 days was reasonable) and the Council is satisfied that he was on the doctor's list, the Council may recover the fee from the doctor by deduction from his remuneration or otherwise and shall repay it to the patient. If the doctor 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 appropriate amount.

34. A doctor 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 remuneration for treatment given to the doctor's patients unless the partner, deputy or assistant would have been entitled to charge if the patient had been on his own list.

Prescribing and dispensing

35. A doctor shall supply drugs or prescribed appliances needed for immediate treatment of a patient before a supply can be obtained otherwise.

36. Subject to paragraph 38, a doctor shall order, by issuing to a patient a prescription on a form provided by the Council, or, where the doctor is on the medical list of more than one Council, by the Council which is responsible for the supply of the form, any drugs and prescribed chemical reagents or prescribed appliances which are needed for the patient's treatment. The prescription shall not refer to a previous prescription. The doctor shall himself sign the prescription form in ink with his initials, or forenames, and surname in his own handwriting and not by means of a stamp, and shall so sign only after particulars of the order have been inserted in the prescription form. A doctor shall use such forms only in the course of treating persons to whom he is providing treatment under these terms of service. A separate form shall be used for each patient, except where a doctor is prescribing in bulk for a school or institution under the following paragraph.

37.—(1) A doctor 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 normally reside may use a single form for ordering drugs referred to in sub-paragraph (2) for any two or more of the persons for whose treatment he is responsible, but instead of entering on the form the names of the persons he shall enter on it the name of the school or institution and the number of persons residing there for whose treatment he is responsible.

(2) The drugs to which this paragraph applies are preparations which can be supplied as part of the pharmaceutical services and are included in the current edition of the British National Formulary (specified in section 103(1)(*e*) of the Medicines Act 1968(a)) in force at the time of ordering the drugs (except preparations marked therein with the symbol "DD" or preparations containing a poison included in Part A of schedule 4 to the Poisons Rules 1971(b)) as amended (c) and any other drugs which the Secretary of State may from time to time notify to doctors and chemists as being drugs to which this paragraph applies.

(3) This paragraph shall apply also to a prescription for the supply of dressings in an institution recognised by the Secretary of State for the purposes of this paragraph.

38. A doctor who is authorised or required by the Council to supply drugs and appliances under regulation 29 shall supply when necessary in a suitable container any drugs and prescribed chemical reagents or prescribed appliances needed for the treatment of those patients and he shall not except under regulation 29(4) issue to those patients a prescription on a form supplied by the Council.

Reports to the medical officer etc.

39. A doctor shall—

(*a*) supply in writing to a medical officer within such reasonable period as that officer may specify any relevant clinical information which he requests about a patient to whom the doctor under these terms of service has issued or has refused to issue a medical certificate, and

(*b*) answer any inquiries by a medical officer about a prescription or medical certificate issued by the doctor under these terms of service or about any statement which the doctor has made in a report under these terms of service.

Continued absence or disability of doctor

40. Where it appears to the Council, after consultation with the Local Medical Committee, that a doctor is incapable of adequately carrying out his obligations under the terms of service because of physical or mental disability, he may be required by the Council to supply to the Local Medical Committee for action under regulation 34 a medical report by a suitably qualified doctor as to such aspects of his health as the Committee may specify.

41. Where a Council is satisfied—

(*a*) after receiving a report from the Local Medical Committee under paragraph 40 that because of physical or mental disability, or

(*b*) after consulting the Local Medical Committee, that because of continued absence,

a doctor's obligations under the terms of service are not being adequately carried out, it may after consulting the Local Medical Committee and with the consent of the Secretary of State—

(i) make arrangements for securing the treatment of persons on the list of that doctor; or

(ii) give notice to the persons on his list that the doctor is for the time being in its opinion unable to carry out his obligations under the terms of service.

(a) 1968 c. 67. (b) S.I. 1971/726 (1971 II, p. 1982).
(c) The amending Rules are not relevant to the subject matter of these Regulations.

42. To enable the Council to decide whether any arrangements made under paragraph 41(i) should be terminated or, where notice has been given under paragraph 41(ii), whether a further notice should be given to the persons on the doctor's list that he is now, in the Council's opinion, able to carry out his obligations under the terms of service, a doctor may be required by the Council, after consultation with the Local Medical Committee, to supply to the Local Medical Committee for action under regulation 34 a medical report by a suitably qualified doctor as to such aspects of his health as the Committee may specify.

43. The Council may deduct in part or in whole the cost of any arrangements made under paragraph 41 from the doctor's remuneration and, if the doctor is performing relevant service in an emergency recognised by the Secretary of State for the purpose of the regulations, the Council shall deduct from his remuneration the cost of arranging for any deputy.

Withdrawal from medical list

44. Subject to paragraph 45 a doctor may at any time give notice to the Council that he wishes—

(*a*) to withdraw his name from the medical list entirely;

(*b*) to withdraw his name from the medical list as a doctor providing maternity medical services but to continue to provide other general medical services; or

(*c*) to withdraw his name from the medical list as a doctor providing general medical services but to continue to provide maternity medical services;

and, subject to paragraph 45, the medical list shall be amended accordingly three months from the date of such a notice unless the Council agrees to a different period. Any such notice may be withdrawn only with the consent of the Council.

45. If representations are made to the Tribunal under section 42 of the Act, that the continued inclusion of a doctor on the medical list would be prejudicial to the efficiency of the general medical services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to have his name removed from the list until the proceedings on such representations have been terminated.

Incorporation of provisions of regulations etc.

46. Any provisions of the following affecting the rights and obligations of doctors shall be deemed to form part of the terms of service—

(*a*) the regulations;

(*b*) any Statement published under regulation 22; and

(*c*) so much of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956(**a**) as amended(**b**) as relates to—

(i) the investigation of questions arising between doctors 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;

(ii) appeals to the Secretary of State from decisions of the Council;

(iii) the investigation of cases of alleged excessive prescribing;

(iv) the investigation of certification;

(v) the investigation of record keeping;

(vi) decisions as to treatment for which fees may be charged;

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

(**a**) S.I. 1956/1077 (1956 I, p. 1554).
(**b**) S.I. 1965/54, 1366, 1969/354 (1965 I, p. 69; II, p. 3878; 1969 I, p. 988).

PART II

Form of application for inclusion in Medical List

To the Executive Council for .....

I .....

residing at.....
(private address)

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

.....

apply to be included on the list of doctors undertaking to provide—

*general medical services *including / *excluding maternity medical services

*general medical services, 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 .....

*I have applied / *I intend to apply to the Local Obstetric Committee for approval of my obstetric experience.

If my application is granted—

a. the district or districts within which I undertake to visit patients and particulars of my surgery hours are:—

District	Practice premises	Days and hours of attendance

b. telephone number or numbers at which I am prepared to receive messages are:—

c. In addition, if I accept as a patient a person who at the time of my acceptance is residing at a place outside the said district or districts, I undertake to visit him at that place.

Signed.....

Date .....

*Delete as appropriate

PART III

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 doctor is required.

If I am selected—

a. the district or district within which I undertake to visit patients and particulars of my surgery hours are:—

District	Practice premises	Days and hours of attendance

b. telephone number or numbers at which I am prepared to receive messages are:—

c. In addition, if a person accepted by me, or included on the list of the above-mentioned practice, is at the time of my acceptance or succession (as the case may be) residing at a place outside the said district or districts, I undertake to visit him at that place.

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 am ___ on the medical list for the Council's area.
*I am not

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.....

.....

.....

*Delete as appropriate

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 a trainee general practitioner, state name and address of principal).....
.....

Details	Dates	
	From	To

ii. in hospitals.....

Appointments	Dates	
	From	To

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

Details	Dates	
	From	To

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

7. If I am 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 on the medical list of any Executive Council.....

.....

.....

9. Names and addresses of two referees:—

.....

.....

.....

.....

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

PART B

(To be completed only by applicants whose names are NOT included on the medical list of the Council's area)

If I am selected for the vacancy

1. I apply to be included on the list of doctors undertaking to provide general medical services *including / *excluding maternity medical services for persons in the Council's area,

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

3. I *intend / *do not intend to apply to the Local Obstetric Committee for approval of my obstetric experience.

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

*Delete as appropriate

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

SCHEDULE 2

Form C. 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 its 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 has considered the application: NOW THEREFORE the Medical Practices Committee hereby certifies that it is satisfied that the 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 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
Contraceptive devices for women
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

Inhalers

Insufflators
Irrigators
Laryngectomy protectors
Lints

Masks
Metatarsal pads

Nipple shields other than lead nipple shields

Oxygen equipment
Perfusion fittings
Pessaries
Plasters
Protectives

Rectal dilators
Rubber tubing

Splinting
Sponge rubber
Stockinette
Suprapubic belts:
repairs and replacements only
Syringes

Test tubes
Trusses
Femoral
inguinal
scrotal
umbilical

Urinals portable
Urine sugar analysis set

Vaccination pads
Vaporisers

PART II

List of chemical reagents

Benedicts Solution (Qualitative)

Compounds required for oral administration for the purpose of cholocystographic examination
Diagnostic Nitroprusside Tablets
Diagnostic solution-Tablets of Copper
Fehling's Solution
Gerhardt's Reagent
Glycosuria Detection Strip
Ketonuria Detection strips
Litmus Papers
Phenylketonuria Detection Strips
Proteinuria Detection Strips
Strong Solution of Ammonia

SCHEDULE 4

PART I

TERMS OF SERVICE FOR CHEMISTS

Interpretation

1. In this Schedule, unless the contect otherwisc requires,

(1) the expression 'the regulations' means the National Health Service (General, Medical and Pharmaceutical Services) Regulations 1972(a).

(2) The expression 'dentist' means a registered dental practitioner providing general dental services.

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

(4) Any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations.

(5) Any reference to a numbered paragraph is a reference to the paragraph bearing that number in this Schedule and any reference in a paragraph to a numbered sub-paragraph is a refeience to the sub-paragraph bearing that number in that paragraph.

Provision of pharmaceutical services

2.—(1) A chemist shall supply with reasonable promptness to any person who presents an order for drugs, listed drugs or appliances on a prescription form provided for the purpose by a Council and signed by a doctor on a medical list or by his deputy or assistant or by a dentist or by his deputy or assistant such drugs as may be so ordered and such of the appliances so ordered as he supplies in the normal course of his business.

(2) A chemist shall not provide pharmaceutical services except on an order on such a signed prescription form:

Provided that where a doctor 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, tne chemist may supply the drug prior to receiving the form.

(3) Subject to the provision of any regulations in force under section 10(7) of the Weights and Measures Act 1963(b), any supply under this paragraph shall conform to the requirements of the order on the prescription form.

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

(5) 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.

(6) 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

3.—(1) Pharmaceutical services shall be provided

(*a*) at the place or places of business specified in the application made by the chemist for inclusion in the pharmaceutical list, and

(*b*) during the hours specified in the scheme made by the Council under regulation 27.

(a) S.I. 1972/1602 (1972 III, p. 4656). (b) 1963 c. 31.

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

(*a*) a notice to be provided by the Council in the form set out in part IV or part V of this Schedule, and

(*b*) at times when his place of business is not open and in such manner as to be legible from outside his place of business, a notice to be provided by the Council in the form prescribed in Part VI of this Schedule giving the addresses of other chemists on the pharmaceutical list whose places of business are required to be open in accordance with the said scheme at such times, and the times at which they are so open.

Dispensing of medicines and fitting of appliances

4.—(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 Secretary of State otherwise consents, a person disqualified for inclusion in the pharmaceutical list under section 42 of the Act or by a person who for three years immediately prior to 16th December 1911 acted as a dispenser to a doctor 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.

(3) Subject to paragraph 2 (1) a chemist shall make all necessary arrangements—

(*a*) for measuring a person who presents a prescription for a truss or other appliance of a type requiring measurement and fitting by the chemist, and

(*b*) for fitting the appliance.

(4) A chemist shall during the hours when he is required to be available for the provision of pharmaceutical services under the scheme made under regulation 27 be readily available to make all necessary adjustments to the appliance and shall make such adjustments with reasonable promptness.

Particulars of chemists

5. A chemist shall, if so required by the Council, give the Council the name of any registered pharmaceutical chemist employed by him in dispensing medicines for persons receiving general medical or general dental services.

Charges for drugs

6. Subject to the provisions of any regulations made under section 38 of the Act as amended by section 16 of the National Health Service (Amendment) Act 1949(b) all drugs, containers and appliances supplied under these terms of service shall be supplied free of charge:

Provided that where a chemist supplies a container in response to an order for drugs signed by a doctor under paragraph 37 of Schedule 1 Part I 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

7.—(1) Except as provided in sub-paragraph (2), 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.

(a) 1956 c. 25. (b) 1949 c. 93.

(2) Nothing in this paragraph shall prohibit—

(*a*) the display of the notices referred to in paragraph 3(2) or

(*b*) the use in any advertisement of wording identical with that contained in such notices, or of the following wording (or wording substantially to the like effect approved by the Secretary of State) as appropriate:—"National Health Service Prescriptions Dispensed" or "Drugs/Appliances supplied under the National Health Service"; or

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

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

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

(*b*) the issue of circular letters;

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

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

(*e*) canvassing in any form;

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

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

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

Remuneration of chemists

8.—(1) A chemist shall in making claims for fees, allowances and remuneration for the provision of pharmaceutical services observe the requirements of the Drug Tariff.

(2) The Council shall make payments to chemists for drugs and appliances, containers and dispensing fees calculated in the manner provided by the Drug Tariff subject to any deduction required to be made by regulations made under section 38 of the Act as amended by section 16 of the National Health Service (Amendment) Act 1949.

(3) 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.

(4) The Council shall, if so required by the Local Pharmaceutical Committee or any organisation which is, in the opinion of the Secretary of State, 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 thereto made by the Local Pharmaceutical Committee or the said organisation.

Fair wages for staff

9. 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

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

(2) Except in the case of an alteration which results from the coming into operation of an Act of Parliament or regulation or which has been approved by the Secretary of State 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 the Secretary of State after consultation with such an organisation as aforesaid directs that notice of a proposed alteration shall be given only to the Local Pharmaceutical Committee, the Council shall give such notice accordingly, and notice shall thereby be deemed to have been given to each chemist.

Withdrawal from pharmaceutical list

11. A chemist may at any time give notice to the Council that he desires to withdraw his name from the pharmaceutical list and his name shall be removed therefrom at the expiry of three months from the date of such notice or of such shorter period as the Council may agree:

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

Incorporation of provisions

12. Any provisions of the following affecting the rights and obligations of chemists shall be deemed to form part of the terms of service—

(*a*) the regulations,

(*b*) the Drug Tariff,

(*c*) any scheme made under regulation 27,

(*d*) so much of Part II of the National Health Service (Service Committees and Tribunal) Regulations 1956**(a)** as amended**(b)** as relates to—

(i) investigation of questions arising between chemists and persons receiving pharmaceutical services and other investigations to be made by the Pharmaceitucal 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,

(ii) appeals to the Secretary of State from decisions of the Council.

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

(b) The relevant amending instrument is S.I. 1965/1366 (1965 II, p. 3878).

PART II

NATIONAL HEALTH SERVICE

PHARMACEUTICAL SERVICES

APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST BY REGISTERED PHARMACEUTICAL CHEMIST AND AUTHORISED SELLER OF POISONS

To the Executive Council for.....

1. I/We.....

   of .....

   apply to have my/our name/s included on the pharmaceutical list and undertake to dispense medicines and supply drugs and appliances under the terms of service for the time being in operation in the area of the Council.

2. The premises within the area of the Council at which I/we am/are/will be entitled by law to dispense and supply as above are..... which* (in addition to the premises stated in the following paragraph) will be my/our place/s of business for the said purpose.

3. Application has been made for registration whereby if granted the premises at which I/we shall be entitled by law to dispense and supply as above are .....

   which* (in addition to the premises stated in paragraph 2) will be my/our place/s of business for the said purpose.

4. The registered pharmaceutical chemist/s in charge at this/these place/s of business is/are .....

Registration Number/s .....

Signed .....

Date .....

*This application cannot be granted in respect of premises which are not registered. Where a person wishes to have an application to be included on the pharmaceutical list considered in advance of registration he should complete the third paragraph. The section or words which do not apply should be amended or struck out as necessary. A fresh application will be required where a chemist already on the pharmaceutical list wishes to practice from additional or alternative premises.

PART III

NATIONAL HEALTH SERVICE

PHARMACEUTICAL SERVICES

APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST BY PERSON OTHER THAN REGISTERED PHARMACEUTICAL CHEMIST AND AUTHORISED SELLER OF POISONS

To the Executive Council for .....

1. I/We.....of.....

   apply to have my/our name/s included on the Council's pharmaceutical list and undertake

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

   *(*b*) to supply appliances;

under the terms of service for the time being in operation in the area of the Council, and

2. The premises within your area which will be my/our place(s) of business for the said purposes are.....

.....

.....

.....

Signed.....

Date.....

A fresh application will be required by any person already included on the Pharmaceutical list who wishes to undertake to supply for the said purposes from additional or alternative premises.

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

PART IV

NATIONAL HEALTH SERVICE

PHARMACEUTICAL SERVICES

NOTICE TO BE EXHIBITED BY REGISTERED PHARMACEUTICAL CHEMISTS AND AUTHORISED SELLERS OF POISONS

(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

NATIONAL HEALTH SERVICE

PHARMACEUTICAL SERVICES

NOTICE TO BE EXHIBITED BY PERSONS OTHER THAN REGISTERED PHARMACEUTICAL CHEMISTS AND AUTHORISED SELLERS OF POISONS

(Name or 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

NATIONAL HEALTH SERVICE

PHARMACEUTICAL SERVICES

NOTICE TO BE EXHIBITED BY REGISTERED PHARMACEUTICAL CHEMISTS AND AUTHORISED SELLERS OF POISONS WHEN THE PREMISES ARE CLOSED

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 payment either personally or by proxy under the enactments specified.	Family Allowances Act 1965 to 1969 National Insurance (Industrial Injuries) Acts 1965 to 1971 National Insurance Acts 1965 to 1971 Ministry of Social Security Act 1966 (1966 c.20) Social Security Act 1971 (1971 c. 73) Industrial Injuries and Diseases (Old Cases) Act 1967-71
2. To prove inability to work or incapacity for self-support for the purposes of an award by the Secretary of State for Social Services.	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).
3. To enable proxy to draw pensions, etc.	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). Home Guard Act 1951 (15 & 16 Geo. 6 and 1 Eliz. 2 c.8).
4. To establish pregnancy for the purpose of obtaining welfare foods.	Emergency Laws (Re-enactments and Repeals) Act 1964 (1964 c.60).
5. To enable patient to have his sight tested under the General Ophthalmic Services.	National Health Service Acts 1946 to 1968
6. To establish fitness to receive inhalational analgesia in childbirth.	Midwives Act 1951 (14 & 15 Geo. 6 c.53)
7. To secure registration of still birth.	Births and Deaths Registration Act 1953 (1 & 2 Eliz. 2 c.20).
8. 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).

Medical Certificate	Short title of enactment under or for the purpose of which certificate required
9. To establish unfitness for jury service.	Juries Act 1922 (12 & 13 Geo. 5 c.11)
10. To establish unfitness to attend for medical examination.	National Service Act 1948 (11 & 12 Geo. 6 c.64).
11. To support late application for re-instatement 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). Army Reserve Act 1962 (10 & 11 Eliz. 2 c.10). Ulster Defence Regiment Act 1969 (1969 c. 65).
12. To enable a person to be registered as an absent voter on grounds of physical incapacity.	Representation of the People Act 1949 (12, 13 & 14 Geo. 6 c.68).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the National Health Service (General Medical and Pharmaceutical Services) Regulations 1966 (as amended), with further amendments.

The main amendments provide for:—

(*a*) assigning to a doctor persons who are unable to obtain acceptance as patients by doctors and for appeals against assignments,

(*b*) restricting the range of services provided by a doctor and for indicating such restrictions in the medical list of a council,

(*c*) limiting the duration of a temporary liability on a doctor to treat as a patient a person whom he has refused to accept as such or in respect of whose assignment to him he has appealed,

(*d*) the change of doctor by a patient and the removal by a doctor of a patient from his list,

(*e*) particularising the descriptions of persons for whose treatment the doctor is responsible, and the procedure for acceptance of, and termination of, responsibility for patients,

(*f*) the immediate removal from the pharmaceutical list in specified circumstances of the names of chemists,

(*g*) limiting the duty of a chemist to be available for the adjustment of appliances,

(*h*) amending the form of application for inclusion in the pharmaceutical list to include premises, the registration of which has not yet been completed.

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