3. Any person, being an officer employed by the Ministry immediately before the appointed day solely for the purposes of the service known as the Psycho-neurosis After-care Scheme, to whom sub-section (4) of section fifty-eight of the Act applies shall, if he elect that the provisions of the said sub-section (4) shall not apply to him, forward to the Secretary of the Ministry a statement, in writing, in the form set out in Part I of the Schedule to these Regulations or in a form to the like effect so as to reach the Ministry not later than 31st July, 1948.

4. Any person, being an officer employed by the Ministry immediately before the appointed day solely for the purposes of the functions of the Ministry in connection with medical benefit under the National Health Insurance Acts (Northern Ireland), 1936 to 1946, to whom sub-section (5) of section fifty-eight of the Act applies shall, if he elect that the provisions of the said sub-section (5) shall not apply to him forward to the Secretary of the Ministry a statement, in writing, in the form set out in Part II of the Schedule to these Regulations or in a form to the like effect so as to reach the Ministry not later than 31st July, 1948.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this fifteenth day of June, one thousand nine hundred and forty-eight in the presence of

(L.S.) *Thos. Elwood*,
Assistant Secretary.

SCHEDULE

PART I

NAME (in Block Letters) .....

I do not wish to transfer to the Northern Ireland Hospitals Authority.

(Signed) .....

Date .....

PART II

NAME (in Block Letters) .....

I do not wish to transfer to the Northern Ireland General Health Services Board.

(Signed) .....

Date .....

Services Committee Regulations (Northern Ireland), 1948

REGULATIONS, DATED 28TH JUNE, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 164

ARRANGEMENT OF REGULATIONS

Regulation

1. Short title.
2. Interpretation.
3. Constitution of Services Committee.
4. Investigations by Services Committee.
5. Procedure of Services Committee.
6. Action by the Board.
7. Appeal to Ministry from decision of the Board.
8. Representation by Board to Tribunal.
9. Procedure on appeal.
10. Provisions of Seventh Schedule to the Act to apply.
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12. Central Medical Committee.
13. Central Dental Committee.
14. Investigation of excessive prescribing.
15. Investigation of certification.
16. Investigation of record keeping.
17. Decisions as to treatment for which fees may be charged.
18. Determination of question whether a substance was a drug.
19. Recovery of cost of substance held not to be a drug.
20. Information, etc., required by Ministry.

SCHEDULES

FIRST SCHEDULE —Rules of Procedure under Regulation 5.

SECOND SCHEDULE —Rules of Procedure under Regulation 17.

11 & 12 Geo. 6 c. 3

The Ministry of Health and Local Government in exercise of the powers conferred upon it under Sections 5, 6, 11, 12 and 80 of the Health Services Act (Northern Ireland), 1948, and of all other powers in that behalf enabling the Ministry, hereby makes the following Regulations, that is to say :—

Short title

1. These Regulations may be cited as the Health Services (Services Committee) Regulations (Northern Ireland), 1948.

Interpretation

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

" the Act " means the Health Services Act (Northern Ireland), 1948 ;

" Board " means the Northern Ireland General Health Services Board ;

" dental officer " means a dental officer appointed by the Board ;

" drugs " includes in the case of persons receiving general medical services medicines and any prescribed chemical reagents and in

the case of persons receiving general dental services means any prescribed drug ;

" Drug Tariff " means the statement prepared by the Ministry under Regulation 28 of the General Service Regulations as hereinafter defined specifying the prices and standards of drugs and appliances to be provided under those Regulations ;

" General Dental Regulations " means the Health Services (General Dental Services) Regulations (Northern Ireland), 1948 ;

" General Service Regulations " means the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland), 1948 ;

" health centre " means premises provided by the Board in accordance with the provisions of Section 17 of the Act ;

" medical adviser " means a registered medical practitioner in the full-time employment of the Board ;

" practitioner " means either a registered medical or registered dental practitioner as the context may require ;

" treatment " in relation to general medical services has the same meaning as in the General Service Regulations and in relation to general dental services has the same meaning as in the General Dental Regulations ;

" the terms of service " means the terms of service for medical practitioners contained in Part I of the First Schedule to the General Service Regulations, the terms of service for chemists contained in Part I of the Third Schedule to the General Service Regulations or the terms of service for dental practitioners contained in the First Schedule to the General Dental Regulations, as the case may be ;

" the Tribunal " means the Tribunal constituted under Section 16 of the Act.

(2) In these Regulations the expression " chemist " means a person, firm, or body corporate entitled to carry on the business of a pharmaceutical chemist under the Pharmacy and Poisons Acts (Northern Ireland), 1925 and 1945 who provides pharmaceutical services. The Regulations shall also apply (except so far as the context may otherwise require) to any other person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

(3) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

Constitution of Services Committee

3.—(1) For the purposes of these Regulations the Board shall draw up the following panels of persons —

(i) a panel of medical practitioners nominated by the Local Medical Committees ;

(ii) a panel of dental practitioners nominated by the Local Dental Committees ;

(iii) a panel of chemists nominated by the Local Pharmaceutical Committee ; and

(iv) a panel of lay persons appointed by the Board, being neither members of the Board nor officers of the Ministry.

(2) Any complaint made by a person against a medical practitioner, a dental practitioner, or a chemist shall be investigated by a committee (hereinafter referred to as the " Services Committee "). The Services Committee shall also perform such other duties as are imposed on it by these Regulations.

(3) The chairman and deputy chairman of the Services Committee shall be appointed by the Board from their lay members.

(4) The members of the Services Committee shall be appointed by the Board and shall consist of two members drawn from the panel of lay persons, and

(*a*) where the complaint is made against a medical practitioner, two members drawn from the panel of medical practitioners ;

(*b*) where the complaint is made against a dental practitioner, two members drawn from the panel of dental practitioners ; and

(*c*) where the complaint is made against a chemist, two members drawn from the panel of chemists ;

Provided that the members of the Services Committee shall so far as is practicable be drawn from the area in which the practitioner resides or is practising.

(5) If in the opinion of the Services Committee any matter referred to that Committee involves a question relating to a practitioner or a chemist whose profession is not represented on the Committee as constituted, the Committee shall inform the Board who shall proceed to reconstitute the Committee by adding two additional members drawn from the panel of representatives of the profession to which the practitioner or chemist, who appears to be involved, belongs.

(6) If in the opinion of the chairman any member of a committee is interested, or is partner, principal, assistant or manager to a practitioner or chemist who is interested, in a question referred to them, or if the practitioner or chemist objects to any member on any personal or other reasonable ground specified by him, that member shall take no part in the hearing thereof but a person having the same qualifications shall act in his place.

(7) Where a case has been opened before the Committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the Committee

who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the secretary to send him notice of such meeting.

(8) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and shall otherwise be entitled to be present at, and take part in, the proceedings of the Committee but not to vote.

(9) The term of office of the chairman and deputy chairman shall be fixed by the Board.

Investigations by Services Committee

4.—(1) (*a*) The person desiring to make a complaint under these Regulations against a medical practitioner or a chemist shall, within six weeks after the event which gave rise to the complaint, give written notice to the Board stating the substance of the matter which it is desired to have investigated.

(*b*) The person desiring to make a complaint under these Regulations against a dental practitioner shall, within six months after completion of the treatment or within six weeks after the matter which gave rise to the complaint came to the complainant's notice, whichever is the sooner, give written notice to the Board stating the substance of the matter which it is desired to have investigated.

(*c*) Notwithstanding failure to give notice within the periods specified in the two preceding sub-paragraphs, the Services Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and —

(i) in the case of a complaint against a medical practitioner or chemist the complaint is made within two months after the said event, or

(ii) in the case of a complaint against a dental practitioner the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainant's notice, whichever is the sooner, or

(iii) the practitioner or chemist, as the case may be consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iv) the Board's consent to the investigation has been obtained.

(2) The Services Committee shall investigate any matters (other than any question arising under Regulations 14, 15 or 16 of these Regulations) referred to them by the Ministry, the Board, or any committee of the Board duly authorised in that behalf by the Board, relating to the administration of general medical services, general dental services,

or pharmaceutical services whether or not any such matter has been raised on complaint under the foregoing provisions of this Regulation.

(3) The Services Committee shall perform such duties in connection with the testing of drugs and appliances as may be imposed on them by the scheme made for that purpose under Regulation 26 of the General Service Regulations.

Procedure of Services Committee

5.—(1) The Services Committee shall permit a party to an investigation to be assisted in the presentation of his case by some other person.

(2) The proceedings at the hearing before the Committee shall be private and no person shall be admitted to these proceedings except—

(*a*) the parties to the investigation and the persons, if any, permitted to appear for the purpose of assisting them ;

(*b*) the secretary or other officer of the Local Medical, Pharmaceutical or Dental Committee whichever is concerned ;

(*c*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the committee otherwise direct, be excluded from the hearing except when they are actually giving evidence ; and

(*d*) such officers of the Ministry or the Board as they may appoint for the purpose.

(3) The First Schedule to these Regulations shall apply with respect to the investigation of complaints, and to the procedure of the Committee.

(4) The Committee where it proceeds to a hearing shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken and shall present the report to the Board and the Board shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Board the Committee may, if they think fit, draw the attention of the Board to any previous reports made by the Committee in connection with the practitioner or chemist and to any action taken by the Board or the Ministry on such reports and may recommend that account should be taken thereof by the Board in reaching their decision.

Action by the Board

6. The Board shall furnish the Ministry with a copy of the report of the Services Committee and a statement of the Board's decision thereon, which may include action in any one or more of the following ways :—

(*a*) The Board may recover from the practitioner or chemist as the case may be, by a deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the Services Committee)

which have been reasonably and necessarily incurred by any person, or by another person on behalf of that person, owing to the failure of the practitioner or chemist to comply with the terms of service, and any sum so recovered shall be paid to that person : Provided that in the case of a dental practitioner, the maximum amount which may be deducted shall not exceed the cost of the treatment provided by another dental practitioner to the person concerned calculated in accordance with Regulations made under the Act.

(*b*) If the Board are satisfied that a practitioner or chemist has failed or neglected to comply with the terms of service applicable to him the Board may recover such amount as they think fit either by deduction from the remuneration of the practitioner or chemist or otherwise, and such sum shall be a debt owing by the practitioner or chemist to the Board.

(*c*) If the Board are of the opinion that the continued inclusion of the medical practitioner on the medical list or of the chemist on the pharmaceutical list or of the dental practitioner on the dental list, would be prejudical to the efficiency of the services in question, they may make representation to that effect to the Tribunal.

(*d*) In the case of a dental practitioner the Board may until further notice require the practitioner, in respect of any treatment other than an examination or emergency treatment, to submit for prior approval to the Northern Ireland Dental Estimates Committee estimates in respect thereof.

Appeal to Ministry from decision of the Board

7.—(1) The Board shall furnish the parties to an investigation with a copy of the Services Committee's report and of their decision and shall inform them of their right of appeal to the Ministry against any decision other than a decision to take action under paragraph (*c*) of the last preceding Regulation and of the Ministry's power on such an appeal to award costs.

(2) Subject to the next following Regulation any party aggrieved by such decision shall be entitled to appeal to the Ministry by sending to the Ministry notice of appeal within one month from the date on which the notification of the decision was received.

(3) The notice of appeal shall contain a concise statement of the grounds of appeal.

(4) The Board shall not make any deduction from the remuneration of a practitioner or chemist under paragraph (*b*) of the last preceding Regulation pending the expiration of the period within which the practitioner or chemist may give notice of appeal to the Ministry.

(5) The Ministry may, on the application of any person desiring to appeal, extend the time for giving notice of appeal and may do so although the application is not made until after the expiration of one month from the date on which notice of the Board's decision was received.

(6) An application for the extension of the time for giving notice of appeal must be made in writing to the Ministry, stating the grounds for the application.

Representation by Board to Tribunal

8. No appeal shall lie against a decision of the Board to make representations with regard to the continued inclusion in any list of the name of any practitioner or chemist and if the Board decide to make such representations and an appeal to the Ministry is made against their decision on other matters, the Ministry shall treat as conclusive for the purpose of the appeal any relevant findings of the Tribunal and no such appeal shall be heard by the Ministry until the proceedings before the Tribunal shall have been concluded.

Procedure on appeal

9.—(1) If the Ministry, after considering the notice of appeal and any further particulars furnished by the appellant, is of opinion that the said notice and particulars disclose no reasonable grounds of appeal it may dismiss the appeal.

(2) The Ministry shall, unless it dismisses the appeal on the aforementioned ground, send a copy of the notice of appeal and of any further particulars furnished by the appellant to the Board and to the person or persons, if any, who were parties to the proceedings before the Services Committee or who appear to the Ministry to be interested in the appeal.

(3) The Ministry may, if it is of opinion that the case is of such nature that it can properly be determined without an oral hearing and with the consent of all parties to the appeal, dispense with an oral hearing and determine the appeal.

(4) In the event of an oral hearing the appellant, the Board or any person who has received notice of appeal may appear and take part in the proceedings.

(5) For the purpose of an oral hearing the Ministry shall appoint an officer or officers of the Ministry or some other person or persons, not exceeding three in number, to hold an inquiry and to draw up a report. The Ministry, after taking such report into consideration, shall give its decision, in writing with reasons therefor, which shall be final and conclusive :

Provided that —

(*a*) Where one of the parties to an appeal is a medical practitioner and the decision of the Board involves a finding that the practitioner has been guilty of any breach of the terms of service referred to in paragraph (6) of this Regulation the persons appointed to hear the appeal shall include a medical practitioner appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the medical profession.

(*b*) Where one of the parties to an appeal is a dental practitioner and the decision of the Board involves a finding that the dental practitioner has failed to complete satisfactorily

dental treatment, or has failed to exercise reasonable care and skill, the persons appointed to hear the appeal shall include a dental practitioner appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the dental profession.

(*c*) Where one of the parties to an appeal is a chemist and the decision of the Board involves a finding that the chemist has failed to comply with the provisions of the Regulations governing pharmaceutical services, the persons appointed to hear the appeal shall include a chemist appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the pharmaceutical profession.

(6) Breaches of the terms of service by a medical practitioner to which the last preceding sub-paragraph of this Regulation relates are failure to render to a patient all proper and necessary treatment, failure to visit or treat a patient whose condition so requires, failure to order or supply any necessary drugs or appliances for the use of a patient or failure to discharge the obligations imposed on a medical practitioner to give a patient the requisite assistance to enable him to obtain any treatment which is not within the scope of the practitioner's obligations under the terms of service.

(7) (*a*) A party to an appeal when an oral hearing takes place shall be entitled to appear and be heard in person, or by counsel or solicitior, or by any officer or member of any organisation of which he is a member, or by any member of his family, or by any friend.

(*b*) The Board or any other body being a party to any appeal shall be entitled to appear by a member or by their secretary or other officer duly appointed for the purpose or by counsel or solicitor.

(8) A party to an appeal shall not, except with the consent of the Ministry or, in the case of an oral hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts which do not appear to the Ministry or to the person or persons holding the inquiry to have been adduced before the committee in the course of the proceedings in respect of which the appeal is brought : Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the Ministry or to the person or persons holding the inquiry of any new facts upon which the party intends to rely.

(9) The Board may, with the consent of the Ministry make such contribution as they think fit and if directed by the Ministry shall make such contribution as it may determine towards the cost of the appeal incurred by the complainant or by the practitioner or chemist.

Provisions of Seventh Schedule to the Act to apply

10. The provisions as to inquiries contained in the Seventh Schedule to the Act shall *mutatis mutandis* apply to any inquiry held by a person or persons appointed by the Ministry under the last foregoing Regulation.

Procedure on withholding money

11.—(1) If the Board are satisfied after considering any report of the Tribunal, and in particular any facts which the Tribunal have found to be established, that a practitioner or chemist has failed or neglected to comply with the terms of service applicable to him, they may proceed to take action as provided in Regulation 6 as if the report of the Tribunal were a report from the Services Committee, and the provisions of paragraph (1) of Regulation 7 shall apply as if the report of the Tribunal were therein substituted for the Services Committee's report.

(2) Where the Board decides to recover, in accordance with these Regulations, an amount from a practitioner or chemist, or where on appeal they are so directed by the Ministry or by the persons appointed to hear and determine the appeal, they may recover the amount either by deduction from the remuneration of the practitioner or chemist or otherwise and such sum shall be a debt owing by the practitioner or chemist to the Board :

Provided that the Board shall notify the practitioner or chemist concerned that he may within one month of the date of such notification, make representations to the Ministry as to his circumstances or other matters with a view to having such amount reduced.

(3) The Board shall not make any deduction from the remuneration of a practitioner or chemist under this Regulation pending the expiration of the period within which the practitioner may make representations to the Ministry.

(4) If a practitioner or chemist decides to make oral representations to the Ministry, the Ministry shall appoint a person or persons to hear the case. The Board, or the Local Medical, Pharmaceutical or Dental Committee, as the case may be, shall be entitled to be represented at such hearing and to take part in the proceedings.

(5) The persons appointed to hear the oral representations of a practitioner or chemist under this Regulation shall include a practitioner or chemist appointed for the purpose by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the medical, dental or pharmaceutical profession as the case may be.

(6) After consideration of the report of the persons appointed to hear the oral representations of a practitioner or chemist the Ministry shall direct the Board to recover the amount referred to in paragraph (2) of this Regulation or such lesser amount as it may think fit.

Central Medical Committee

12. Each Local Medical Committee shall appoint two of its members to be members of a Committee to be known as the Central Medical Committee and shall notify the Ministry of such appointment :

Provided that in the case of the Local Medical Committee for the County Borough of Belfast the number of members to be appointed under this Regulation shall be four.

Central Dental Committee

13. Each Local Dental Committee shall appoint two of its members to be members of a Committee to be known as the Central Dental Committee and shall notify the Ministry of such appointment :

Provided that in the case of the Local Dental Committee for the County Borough of Belfast the number of members to be appointed under this Regulation shall be four.

Investigation of excessive prescribing

14.—(1) Where it appears to the Board or the Ministry after an investigation of the orders for drugs and appliances given by a medical practitioner to persons on his list and of the accounts furnished by the practitioner for drugs and appliances supplied to those persons, that there is a *prima facie* case for considering that by reason of the character or quantity of the drugs or appliances so ordered or supplied the cost is in excess of what was reasonably necessary for the proper treatment of those persons, the matter may be referred to the Central Medical Committee for their consideration.

(2) Where a case has been referred to the Central Medical Committee under the preceding paragraph, the Committee shall furnish the practitioner concerned with a statement indicating the matters on which an explanation is required and shall afford him reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting to them any statement in writing, and a representative or representatives of the Board or the Ministry shall be entitled in case of a hearing to be heard by the Central Medical Committee.

(3) After considering the case the Central Medical Committee shall decide whether any cost has been incurred in excess of what may reasonably be necessary by reason of the character or quantity of the drugs or appliances ordered or supplied by the practitioner as aforesaid and, if so, what is the amount of the excess cost.

(4) The Central Medical Committee shall inform the Board of their decision and, if such decision is that excessive cost has been incurred, of their estimation of the amount of such excess and of their recommendation as to the action to be taken.

(5) The Board shall consider the decision of the Committee and shall determine whether or not to recover from the practitioner the amount of any excess cost estimated by the Committee to have been incurred, or a part thereof, and shall inform the practitioner of their determination and of his right of appeal in accordance with paragraph (6) of this Regulation. The Board, after such consideration as aforesaid, may recover such amount as aforesaid from the practitioner by deduction from his remuneration or otherwise, but no such deduction shall be made pending the expiration of the period within which he may give notice of appeal to the Ministry :

Provided that where the matter has been dealt with under paragraph (6) or (7) of this Regulation, the sum to be recovered shall be such amount as the persons appointed to hear the matter may estimate to be the amount of the excess cost incurred or such part thereof as they may determine.

(6) The practitioner shall be entitled to appeal against such decisions by sending to the Ministry notice of appeal within one month from the date on which notice of the Board's determination was received. In the event of an appeal being made the Ministry shall appoint a person or persons not exceeding three in number and not being officers of the Ministry, of whom at least one shall be a medical practitioner, who shall hear and determine the appeal and the provisions of paragraphs (1), (2), (4), (7) and (8) of Regulation 9 shall apply to any such appeal as though the person or persons so appointed were therein mentioned in place of the Ministry, and paragraph (9) of the said Regulation 9 shall also apply as though the person or persons so appointed were therein mentioned in place of the Ministry where it occurs for the second time in the said paragraph.

(7) If the Ministry is dissatisfied with the decision of the Central Medical Committee in any case referred to the Committee under paragraph (1) of this Regulation it may appoint a person or persons to hear and determine the matter in the manner provided in paragraph (6) and the provisions of that paragraph including those relating to the person or persons to be appointed shall apply accordingly.

Investigation of certification

15.—(1) Where it appears to the Ministry, after an investigation of the medical certificates issued under and for the purposes of the National Insurance Acts (Northern Ireland), 1946, by a medical practitioner to persons for whose treatment he is responsible under the terms of service applicable to him, that there is a *prima facie* case for considering that the practitioner has failed to exercise reasonable care in the issue of such certificates, the Ministry may refer the matter for consideration to the Central Medical Committee.

(2) Any reference to the Committee under the last preceding paragraph shall be accompanied by a statement indicating the matters on which it appears to the Ministry that an explanation is required.

(3) (*a*) The Committee shall furnish the practitioner concerned with a copy of the said statement and shall afford him reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(*b*) A copy of any such statement by the practitioner shall be forwarded to the Ministry by the Committee for its observations and a representative or representatives of the Ministry shall be entitled, in case of a hearing, to attend and be heard by the Committee.

(4) (*a*) After considering the case the Committee shall draw up a report of their findings on the question whether there has been a failure on the part of the practitioner to exercise reasonable care in

certification, and, if so, what is the extent and gravity of the failure, together with a recommendation as to the action, if any, which should be taken by the Ministry.

(*b*) The Committee shall forward the report to the Ministry and shall furnish the practitioner with a copy of the report and recommendation and at the same time inform the practitioner of his right of appeal to the Ministry.

(5) (*a*) The practitioner shall be entitled to appeal against any findings or recommendations of the Committee contained in the report by sending to the Ministry notice of appeal within one month from the date on which a copy of the report was received by him and the provisions of paragraph (6) of Regulation 14 of these Regulations relating to the determination of appeals (with " Committee " substituted for " Board ") shall apply accordingly.

(*b*) If the Ministry is dissatisfied with any findings of the Committee it may appoint a person or persons to hear and determine the matter in the manner provided in paragraph (6) of Regulation 14 of these Regulations and the provisions of that paragraph, including those relating to the person or persons to be appointed shall apply accordingly.

(6) After consideration of the findings and recommendation of the Committee where the matter has not been appealed or referred under the preceding paragraph, the Ministry may, if it is satisfied that there has been a failure on the part of the practitioner to exercise reasonable care in certification, direct the Board to withhold such amount as it thinks fit from the remuneration of the practitioner. Where the matter has been so appealed or referred, the Board shall withhold from the remuneration of the practitioner such sum, if any, as may be determined by the persons appointed to hear the matter.

(7) The Ministry shall not direct the Board to withhold any amount from the remuneration of the practitioner pending the expiration of the period within which the practitioner may appeal to the Ministry.

Investigation of record keeping

16.—(1) Where it appears to the Board after an examination by the medical adviser or by the dental officer of any record cards held by a medical practitioner, or a dental practitioner practising elsewhere than at a health centre, that there is a *prima facie* case for considering that the medical practitioner has failed to carry out his obligations under sub-paragraph (12) of paragraph 7 of the terms of service, so far as such obligations involve the recording of clinical data regarding his patients, or that the dental practitioner has failed to carry out his obligations under paragraph 5 of the terms of service, the Board may refer the matter for consideration by the Central Medical or Central Dental Committee, whichever is appropriate.

(2) Any such reference to a Committee shall be accompanied by a statement of the grounds for considering that such obligations have not been fulfilled.

(3) (*a*) The Committee shall furnish the practitioner concerned with a copy of the said statement and shall afford him reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(*b*) A copy of any such statement by the practitioner shall be forwarded to the Board by the Committee for their observations and a representative or representatives of the Board shall be entitled, in case of a hearing, to attend and be heard by that Committee.

(4) If so required by notice in writing signed by the chairman of the Committee, the practitioner shall —

(*a*) produce at the hearing all record cards held by him or such of the record cards as may be specified in the notice ;

(*b*) give to any members of the Committee specified in the notice, access at all reasonable times to the practitioner's surgery or other place where the record cards are kept, for the purpose of inspection of such record cards and furnish such persons with any such record cards and with any necessary information with regard thereto as they may require.

(5) After considering the case, the Committee shall report to the Board whether there has been a failure on the part of the practitioner to carry out his said obligations and, if so, the extent and gravity of such failure and shall make a recommendation as to the action, if any, which should be taken by the Board. A copy of such report shall be forwarded by the Committee to the practitioner and to the Ministry.

(6) The Board after consideration of the report and recommendation of the Committee shall communicate them to the practitioner together with the Board's decision as to the action (if any) to be taken and shall inform him of his right of appeal in accordance with paragraph (7) of this Regulation. The Board, after such consideration as aforesaid, may withhold such sum as they think fit from the remuneration of the practitioner but no deduction shall be made pending the expiration of the period within which he may give notice of appeal to the Ministry :

Provided that, where the matter has been dealt with under paragraph 7 (*a*) or 7 (*b*) of this Regulation, the sum to be withheld shall be such sum as the persons appointed to hear the matter may determine.

(7) (*a*) The practitioner shall be entitled to appeal against any findings of the Committee contained in the report by sending to the Ministry notice of appeal within one month from the date on which a copy of the report was received by him and the provisions of paragraph (6) of Regulation 14 of these Regulations relating to the determination of appeals (with the substitution of " Committee " for the " Board ") shall apply accordingly : Provided that if the appellant is a dental practitioner, a reference to a dental practitioner shall be substituted for the reference to a medical practitioner.

(*b*) If the Ministry is dissatisfied with the findings of the Committee it may appoint a person or persons to hear and determine the matter in the manner provided in paragraph (6) of Regulation 14 of these Regulations as modified by the preceding sub-paragraph, and those provisions, including those relating to the person or persons to be appointed, shall apply accordingly.

(8) In this Regulation the expression " record cards " means—

(*a*) in the case of a medical practitioner, the card on which he is required to keep records of the illnesses of his patients and of his treatment of them under sub-paragraph (12) of paragraph 7 of the terms of service, and

(*b*) in the case of a dental practitioner, the records which under paragraph 5 of the terms of service he is required to keep of the clinical conditions present in the mouth of the person for whom he is providing general dental services and of the treatment provided by him.

Decisions as to treatment for which fees may be charged

17.—(1) If any question arises, either in the course of an investigation by the Services Committee or otherwise as to whether any treatment given by a medical practitioner to a patient is treatment for which he may demand or accept a fee from that patient (unless it arises in relation to sub-paragraph (1) (*a*) (*f*), or (*g*) of paragraph 10 of the terms of service) the question shall be referred for determination to the Central Medical Committee. If the Board are dissatisfied with the determination of the Committee, the matter shall be submitted to referees appointed under these Regulations for decision in accordance with the rules set out in the Second Schedule to these Regulations ; and the decision of the referees, given after hearing such parties and taking such evidence as they think just, shall be final.

(2) For the purpose of giving effect to this Regulation the Ministry shall, upon any such disagreement arising, nominate as referees two medical practitioners not being officers of the Ministry (who shall be selected from any panel of practitioners set up by the Ministry for the purpose or, if no such panel exists, from among practitioners in actual practice) and a medical officer of the Ministry.

(3) The referees may decide any question coming before them by a majority but, subject as aforesaid, their procedure shall be such as they may from time to time determine.

(4) If on any question referred to the Central Medical Committee under this Regulation the Committee and the Board are agreed, the Board shall report the matter to the Ministry and it may, if it thinks fit, refer the question for decision to referees in the manner provided in this Regulation and the foregoing provisions of this Regulation shall apply accordingly.

Determination of question whether a substance was a drug

18.—(1) Any question whether a substance supplied by a medical practitioner or chemist on the prescription of a medical practitioner was a drug forming part of pharmaceutical services provided under the Act, shall, if the practitioner concerned so desires in accordance with

Regulation 19 of these Regulations and may, in any other case in which the Board or the Ministry think fit, be referred to the Central Medical Committee, and the Board or the Ministry, as the case may be, shall inform the Local Pharmaceutical Committee that the question has been so referred.

(2) The Central Medical Committee shall furnish the practitioner concerned with a statement indicating the nature of the question referred to them under this Regulation and shall afford him reasonable opportunity of appearing before and being heard by them or, if he thinks fit, of submitting to them any statement in writing.

The Committee shall further consider any representations made to them by the Board or the Ministry and, if the practitioner appears before and is heard by them, shall afford an opportunity to representatives of the Board and the Ministry of appearing before and being heard by them.

(3) The Committee shall inform the practitioner, the Board and the Ministry of the finding at which they have arrived on the question referred to them.

(4) If the practitioner, or the Board, are dissatisfied with the finding of the Committee and inform the Ministry accordingly within one month from the date on which the notice of the finding was received the question shall be referred for decision to referees nominated by the Ministry under this Regulation and if the Ministry is dissatisfied with the finding of the Committee it may, if it thinks fit, also refer the question for decision to referees so nominated.

(5) For the purpose of obtaining a decision under paragraph (4) of this Regulation the Ministry shall nominate as referees a person or persons not exceeding three in number and not being an officer or officers of the Ministry of whom at least one shall be a medical practitioner. The referees may decide any question coming before them by a majority, but, subject as aforesaid, their procedure shall be such as they may determine.

Recovery of cost of substance held not to be a drug

19.—(1) If it appears to the Board that any substance supplied to a person under the General Service Regulations was not a drug forming part of pharmaceutical services provided under the Act, the Board shall recover from the practitioner who, or whose deputy or assistant, prescribed the same, by deduction from his remuneration or otherwise, an amount calculated in the manner provided in paragraph (2) of this Regulation :

Provided that before recovering any such amount the Board shall, unless it has already been decided in accordance with the last foregoing Regulation that the substance supplied in that case was not such a drug, bring the question to the practitioner's notice in writing and inquire whether he desires it to be referred for decision under that Regulation ; and if the practitioner within one week after the receipt of such notice informs the Board that he desires the

question to be so referred, the Board shall refer it to the Central Medical Committee and the provisions of Regulation 18 shall apply accordingly.

(2) For the purpose of paragraph (1) of this Regulation the amount to be recovered in respect of the supply of any substance shall be a sum calculated in the manner set forth in the Drug Tariff :

Provided that if any substance which was not a drug was an ingredient in a preparation of which other ingredients were drugs, the amount to be recovered shall be the price of that substance calculated in the manner set forth in the Drug Tariff, together with half the amount of the dispensing fee payable in respect of the supply of the preparation.

20. The Board shall furnish the Ministry with such information and documents and shall afford to the Ministry such facilities as the Ministry considers necessary for the performance of its functions under these Regulations. Information, etc. required by Ministry

Given under the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-eighth day of June, 1948.

(L.S.)

L. G. P. Freer,
Secretary to the Ministry of Health and Local Government for Northern Ireland.

FIRST SCHEDULE

Rules of Procedure under Regulation 5

Where under the provisions of the Regulations any question or matter is required to be investigated by the Services Committee, the following procedure shall be adopted :

(*a*) If in the opinion of the chairman the statement made by the complainant discloses no *prima facie* ground of complaint, or is frivolous or vexatious, the secretary of the Board shall so inform the complainant who may within seven days submit a further statement. If no further statement is submitted by the complainant within that period, or if the statement so submitted, in the opinion of the chairman, still discloses no *prima facie* case, or is frivolous or vexatious, the complaint shall stand dismissed and the chairman shall report accordingly to the Board.

(*b*) The secretary of the Board shall, as soon as practicable, send to the chairman of the Committee and to the practitioner or chemist concerned a copy of the complainant's statement and of any ensuing correspondence on the matter and the practitioner or chemist shall be entitled to reply thereto.

(*c*) Except in cases which have been dismissed in accordance with subparagraph (*a*) above the secretary shall give to both parties and to the secretary of the Local Medical, Pharmaceutical or Dental Committee as the case may be, not less than fourteen days' notice of the meeting at which the case will be heard.

(*d*) The chairman may, upon the application of either party, postpone the hearing if he is satisfied that the attendance of the party or any

witness on the date fixed for the hearing is not reasonably practicable or if for any other reason he thinks fit.

(*e*) The secretary shall three clear days before the hearing supply to each member of the Committee copies of the statement and of the reply, if any, thereto, and of any further correspondence relating to the matter which has taken place between the secretary and either party.

(*f*) Both parties shall be entitled to be present at the hearing and to give and call such evidence as the Committee may think relevant to the matters at issue, and either party may put questions relevent to the matter in dispute to the other party or to any witness called by such party. Subject as aforesaid, the procedure at the hearing shall be such as the Committee may determine.

(*g*) If either party fails to appear at the hearing, and the Committee are satisfied that his absence is due to illness or other reasonable cause, or if for any other reason the Committee think fit, they may adjourn the hearing.

(*h*) If in the course of a hearing the complainant introduces any issue which in the opinion of the chairman was not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the chairman to admit or exclude such issue as he thinks fit, but if the issue is admitted the hearing will be adjourned if the respondent desires an opportunity of producing further evidence, and desires an adjournment for that purpose.

(*i*) The chairman or the deputy chairman together with one lay member and one professional member shall form a quorum. If the Services Committee is reconstituted under paragraph (5) of Regulation 3 the chairman or the deputy chairman together with one lay member and one member of each of the professions involved shall form a quorum.

SECOND SCHEDULE

RULES OF PROCEDURE UNDER REGULATION 17

1. If the Board are dissatisfied with any determination of the Central Medical Committee made under Regulation 17 of these Regulations —

(1) The Board shall prepare and submit to the Committee a written statement of the facts in connection with which the question has arisen and of the decision given by the Board and the grounds on which the decision is based.

(2) The Committee shall, as soon as may be after receipt of the said statement, furnish to the Board a written statement of the decision given by the Committee and the grounds on which the decision is based and shall inform the Board whether it concurs in the statement of facts prepared by the Board and, if not, in what respects it does not concur in that statement.

(3) The Board shall send the statements prepared by the Board and the Committee to the Ministry and it may, if it thinks fit, require both or either of the said bodies to furnish to it further particulars either with regard to the facts of the case or the decision or the grounds of the decision.

2. Where the Ministry thinks fit to refer for decision to referees any question on which the Board and the Committee are agreed, the Ministry may require either or both of the said bodies to furnish written statements of the facts in connection with which the question has arisen and of their decision and the grounds on which the decision is based and the Ministry shall inform the body or bodies furnishing such statements whether it concurs in the statement of facts contained therein and, if not, in what respect it does not concur therein and shall further inform the body or bodies of its grounds for disagreeing with their decision.

3. The Ministry shall furnish copies of all such documents to each of the referees appointed by it for the purpose of deciding the question.

4. If the referees on consideration of such documents are of the opinion that the question referred to them is governed by a previous determination of referees under Regulation 17 of these Regulations they may dispense with a hearing and determine the case summarily.

5. Except in a case in which the referees dispense with a hearing in accordance with the last foregoing rule the Ministry shall fix the time and place of the hearing and shall give not less than twenty-one days' notice thereof to the Board, the Committee and the practitioner affected.

6. The Ministry and each of the parties upon whom notice has been served shall be entitled to appear at the hearing either personally, or by a representative duly authorised in that behalf, or by counsel or solicitor and the Ministry and the practitioner affected may produce such evidence as in the opinion of the referees may be relevant to the matters at issue.

7. The referees shall, as soon as may be after the hearing or after determining a case summarily, report to the Ministry and to the practitioner affected the decision at which they have arrived.

Superannuation

REGULATIONS, DATED THE 24TH DAY OF JUNE, 1948, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT WITH THE APPROVAL OF THE MINISTRY OF FINANCE UNDER SUB-SECTION (1) OF SECTION 61 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1948. No. 161

ARRANGEMENT OF REGULATIONS

Amended 1949 SR&O (N.I.) 9 - 215
1950 No 115 p 350
1951 No 131 p 216
1952 No 101 p 191

Regulation

1. Citation and Interpretation.

PART I

PROVISIONS RELATING TO OFFICERS EMPLOYED BY BODIES CONSTITUTED UNDER THE ACT AND OTHER OFFICERS ENGAGED IN HEALTH SERVICES OTHER THAN IN THE EMPLOYMENT OF HEALTH AUTHORITIES OR OTHER LOCAL AUTHORITIES.

2. Application.
3. Participation in superannuation benefits.
4. Contributions.
5. Officer's pension and retiring allowance.
6. Scales of pension and retiring allowance.
7. Injury allowance.
8. Short service gratuity.
9. Allocation of part of pension or injury allowance to spouse or dependant.
10. Death gratuity.
11. Widow's pension.
12. Power to compound small annual benefits.