EXPLANATORY NOTE

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

These Regulations provide for the cancellation of the deduction of 10 per cent. from fees payable by Executive Councils to dental practitioners, made in May, 1950, as respects payments made in pursuance of an advice of payment from the Scottish Dental Estimates Board to a Council dated on or after the 1st May, 1955. There will be a consequential adjustment in the charges, if any, payable by patients under Regulation 25 of the National Health Service (General Dental Services) (Scotland) Regulations, 1955, and in charges of less than £1 authorised by the National Health Service Act, 1952.

1955 No. 1942 (S. 148)

The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955

Made - - - -	*20th December*, 1955
Laid before Parliament	*30th December*, 1955
Coming into Operation	*31st December*, 1955

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THIRD SCHEDULE.—List of prescribed appliances and chemical reagents.

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In exercise of the powers conferred on me by sections 33, 34, 35, 36, 40, 41, 46 and 72 of and the Seventh Schedule to the National Health Service (Scotland) Act, 1947(a), and by sections 14, 15 and 16 of and Part II of the Schedule to the National Health Service (Amendment) Act, 1949(b), and of all other powers enabling me in that behalf, I hereby make 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) (Scotland) Regulations, 1955, and shall come into operation on the 31st day of December, 1955.

Interpretation

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

"the Act" means the National Health Service (Scotland) Act, 1947, as amended by the National Health Service (Amendment) Act, 1949, the National Health Service Act, 1951(c), and the National Health Service Act, 1952(d);

"appliances" in relation to appliances ordered by a medical practitioner means appliances specified in Part I of the Third Schedule to these regulations;

"assistant" means a medical practitioner who acts as an assistant to a medical practitioner and for the purposes of paragraph 8 of Part I of the First Schedule to these regulations shall include a practitioner who is being trained in general practice as a trainee general practitioner under arrangements approved by the Secretary of State;

"Council" means in relation to any area the Executive Council constituted for that area;

"drugs" includes medicines and such chemical reagents as are or may be prescribed;

"health centre" means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act;

"maternity medical services" means the provision of personal medical services during and following pregnancy and labour in respect of all conditions arising therefrom by a medical practitioner who has agreed to provide such services;

"medical card" means a card issued to a person, in a form approved by the Secretary of State, for the purpose of enabling him to obtain or establishing his title to receive general medical services other than maternity medical services from a medical practitioner, and shall include any similar card provided for a similar purpose under the National Health Insurance (Medical Benefit) Regulations (Scotland), 1938(e);

"medical officer" means any medical officer appointed by the Secretary of State for a district in which general medical services are provided;

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) 14 & 15 Geo. 6. c. 31. (d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.
(e) S.R. & O. 1938/609 (1938 II, p. 2379).

"the Medical Practices Committee" means the Scottish Medical Practices Committee;

"practitioner" means a registered medical practitioner;

"scheduled appliances" means the appliances specified in the Sixth Schedule to these regulations;

"treatment" means medical attendance and treatment and includes the issue under these regulations of certificates specified in the Fifth Schedule to these regulations being medical certificates reasonably required under, or for the purposes of, any enactment, and the keeping and forwarding of any records, and the furnishing of any information in accordance with the terms of service set out in Part I of the First Schedule to these regulations, but does not include maternity medical services unless the practitioner has by arrangement undertaken to provide such services for the person concerned.

(2) (*a*) For the purposes of these regulations, except where expressly provided to the contrary, a practitioner shall be deemed not to be carrying on practice in partnership or to be a partner unless in the opinion of the Council or, on appeal, the Medical Practices Committee, he is in the position of a principal in connection with the practice and is entitled to a share in the profits of the partnership which is not less than one-third of the share of the profits of the partner with the largest share:

Provided that the Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal.

(*b*) A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant.

(3) In these regulations the expression "chemist" means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933(**a**), who provides pharmaceutical services, and the regulations shall also apply (except so far as the context may otherwise require) to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined.

(4) The Interpretation Act, 1889(**b**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

MEDICAL PRACTITIONERS

Terms of service for practitioners

3. The arrangements which the Council are required by section 34 of the Act to make with practitioners for the provision of personal medical services shall incorporate the terms of service contained or referred to in Part I of the First Schedule to these regulations.

Medical list

4.—(1) The Council shall prepare a list, to be called "the medical list", of the practitioners who are entitled to be included in the list.

(a) 23 & 24 Geo. 5. c. 25. (b) 52 & 53 Vict. c. 63.

(2) The medical list shall show, by distinguishing marks or otherwise, those practitioners who have indicated their willingness to provide maternity medical services and those practitioners who are included in the list for the purpose of providing maternity medical services only.

(3) The medical list shall contain, in addition to the names of practitioners—

(*a*) the private address and the address of any surgery, health centre or other place of consultation at which the practitioner attends for the purpose of treating persons receiving general medical services;

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

(*c*) where two or more practitioners practise in partnership, particulars of the partnership;

(*d*) where the practitioner is acting as an assistant, the name and address of the principal;

(*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 think fit, be so arranged as to show the part of the area in which each practitioner will provide treatment:

Provided that for the purposes of this paragraph a partner shall include any partner who is otherwise deemed under the regulations to be an assistant, and an assistant shall not include such a person.

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

(5) The Council shall send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the Local Medical Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Council shall also send a copy of the list to each local health authority in their area, the Regional Hospital Board, the Board of Management of each hospital or group of hospitals serving their area, and to any person under contract with the Council to provide pharmaceutical services, and at intervals of not more than three months shall notify them of any alteration made in the medical list: Provided that in the case of persons providing pharmaceutical services and Boards of Management of hospitals the Council may send to them the portions of the list which appear to the Council to concern them.

Removal from medical list of names of practitioners not providing services

5.—(1) Where the Council have determined, in accordance with the provisions of this regulation, that a practitioner whose name has been included for the preceding six months in the list of medical practitioners undertaking to provide general medical services in the area of the Council—

(*a*) has never provided such services for persons in the area; or

(*b*) has ceased to provide such services for such persons,

the Council shall, after giving the practitioner twenty-eight days' notice of their intention to do so, remove his name from such list unless the Secretary of State directs to the contrary as hereinafter provided.

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

(*a*) afford the practitioner an opportunity of making representations to the Council in writing, or if the practitioner so desires, orally, to a committee appointed by the Council for the purpose, of which committee at least one-third of the members shall be practitioners, and

(*b*) consult the Local Medical Committee.

(3) A practitioner to whom notice has been given under paragraph (1) of this regulation may within twenty-one days of receipt of such notice appeal to the Secretary of State against a determination of the Council under that paragraph, and, pending the decision on such appeal, the Council shall not remove the practitioner's name from the list by reason of the determination appealed against. The notice of appeal shall be in writing and shall set out the facts and contentions on which the practitioner intends to rely. On any such appeal the Secretary of State shall, if he allows the appeal, direct that the Council shall not remove the name of the practitioner from the list by reason of the determination appealed against.

(4) Any notice which is required or authorised to be given to a practitioner under this regulation may be given by delivering it to the practitioner or by sending it in a prepaid letter addressed to him at his usual or last known address. If the notice is sent by post it shall be deemed to be given, until the contrary is proved, at the time at which a letter would be received in the ordinary course of post.

(5) Nothing in this regulation shall affect a practitioner who is called up, voluntarily or otherwise, for National Service under the National Service Act, 1948(**a**), or in any national emergency, and no determination under this regulation shall be made in respect of any such practitioner until six months after he has completed his period of service.

Application for inclusion in a medical list

6.—(1) Application by a practitioner for inclusion in a medical list shall be made by delivering or sending by post to the Council an application in the form set out in Part IV of the First Schedule to these regulations, or in a form to the like effect.

(2) On receipt of an application from a practitioner for inclusion in the medical list, the Council shall transmit the application to the Medical Practices Committee, together with a report in a form approved by the Committee.

Reports by Council to Medical Practices Committee

7.—(1) The Council shall once in every year or at such more frequent intervals as the Medical Practices Committee may require, furnish the Committee with such information as may be required by the Committee to enable them to judge the adequacy of the medical services in the area of the Council or any part thereof.

(2) Where a practitioner whose name is included in the medical list has notified the Council of his intention to cease or has ceased to carry on his practice (otherwise than in the case where the practitioner has given notice of desire to exchange his practice under regulation 9 of these regulations), the Council shall, not later than fourteen days after the date on which they

(a) 11 & 12 Geo. 6. c. 64.

are so notified or on which they learn that the practitioner has ceased to carry on his practice, inform the Medical Practices Committee and furnish to that Committee a report as to whether the said cessation of practice creates a vacancy that requires to be filled.

Succession to vacant medical practices

8.—(1) Where a practitioner whose name is included in the medical list has notified the Council of his intention to cease or has ceased to carry on his practice, the Council may, and if the Medical Practices Committee so direct shall, by advertisement in the press, invite applications from practitioners desirous of succeeding to the practice in whole or in part.

(2) After consultation with the Local Medical Committee, the Council may select a practitioner or practitioners to succeed to the practice in whole or in part and shall notify their decision to the Medical Practices Committee and to each practitioner from whom they may have received an application, whether in response to an advertisement or otherwise, informing each unsuccessful applicant at the same time of his right of appeal to the Medical Practices Committee as provided in paragraph (3) of this regulation.

(3) Any practitioner from whom the Council received an application may, within seven days of receipt of notification of the Council's decision, appeal to the Medical Practices Committee against that decision, and the Committee may direct that any appellant or appellants shall be selected to succeed to the practice in whole or in part instead of or in addition to any practitioner selected by the Council.

(4) The procedure for the determination of appeals to the Medical Practices Committee under this regulation shall be such as the Committee may determine.

(5) The Council shall, in a case where a successor to a practice has to be selected from a number of applicants, and the Medical Practices Committee shall, on an appeal in any such case, have regard to any desire expressed by an applicant to practise with other practitioners providing general medical services in the area and to any desire expressed by such other practitioners to take any applicant into practice with them, and shall have special regard to the matters aforesaid in cases where an applicant is related to any such other practitioner.

(6) The provisions of this regulation shall not apply in the case where the practitioner has given notice of desire to exchange his practice under regulation 9 of these regulations.

Exchange of practices

9.—(1) Where a practitioner whose name is included in the medical list of a Council has notified the Council that he desires to exchange practices with another practitioner providing general medical services whether in the area of the Council or not, the Council, after such inquiry as they may think necessary and after consultation with the Local Medical Committee, may agree that the exchange should take place and that the second practitioner should succeed to the first practitioner's practice.

(2) Where the Council agree as aforesaid they shall intimate accordingly to both practitioners and to the Medical Practices Committee and both practitioners shall notify to the Council a date agreed upon by them as the date on which the first practitioner intends to cease to carry on his practice and the second practitioner intends to commence practice, which date shall not be earlier than the expiration of three months from such intimation or of such shorter period as the Council may agree.

(3) Where the Council do not agree that the exchange should take place as aforesaid they shall inform both practitioners of their right of appeal to the Medical Practices Committee and either practitioner with the consent of the other in writing may, within fourteen days of receipt of such information, appeal to the Medical Practices Committee who shall determine the appeal.

(4) The procedure for the determination of appeals to the Medical Practices Committee under this regulation shall be such as the Committee may determine.

(5) The Medical Practices Committee shall intimate to the practitioners their determination which, in a case where they determine that the exchange should take place, shall be deemed to be the agreement of the Council and the provisions of paragraph (2) of this regulation regarding the date of the exchange shall apply accordingly.

(6) An exchange of practices shall not take place under the provisions of this regulation unless the exchange takes place within six months after the practitioners have received intimation that the Council have agreed or are deemed to have agreed to the exchange.

Advertisement of vacancies

10. A Council may, and if directed by the Medical Practices Committee shall, by advertisement in the press, invite applications from practitioners desirous of providing general medical services in their area.

PART III

SCOTTISH MEDICAL PRACTICES COMMITTEE

Appointment of members and tenure and vacation of office

11.—(1) The following provisions shall apply to the members of the Medical Practices Committee (in this part of these regulations referred to as "the Committee").

(2) (*a*) The Chairman and other members in office at the coming into operation of these regulations shall continue to hold office for the periods for which they were respectively appointed.

(*b*) Subject as herein provided members shall be appointed for a period of three years expiring on the 31st day of March in any year.

(*c*) A member may be re-appointed to the Committee on the expiration of his term of office.

(*d*) A member may resign from the Committee by giving notice in writing to the Secretary of State: Provided that 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.

(*e*) A person appointed to fill a casual vacancy shall hold office for the remainder of the period for which his predecessor was appointed.

Procedure for the determination of applications

12.—(1) Subject to the next following paragraph a decision of the Committee to grant an application for inclusion in the list on the ground that the number of practitioners undertaking to provide general medical services in the area or part of an area is not already adequate shall be given in such manner as the Committee may determine.

(2) Subject to paragraph (4) of this regulation any decision of the Committee involving the refusal of an application or the granting of an application subject to conditions, shall be the decision of the majority of members

present and voting at a meeting of the Committee and the Committee shall inform the applicant of his right of appeal to the Secretary of State.

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

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

(*b*) if they think fit give to the applicants or any of them the opportunity to attend before them and make representations in person or to make written representations;

(*c*) select the applicant or applicants whose applications are to be granted and forthwith inform them, the Council and the Secretary of State of their decision; and

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

(4) Three 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

13.—(1) A practitioner may appeal to the Secretary of State against the refusal of an application for inclusion in the medical list or the granting of such application subject to conditions by sending to the Secretary of State notice of appeal within seven 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 appellant shall furnish within such period as the Secretary of State may allow a concise statement of the facts and contentions upon which he 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 a hearing he may dispense with a 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 a hearing is required, he shall appoint one or more persons to hear the appeal.

(5) A 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 practitioner whose application for appointment to the vacancy to which the application relates was granted, not less than seven 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 member or officer or by counsel or solicitor.

(7) Subject to the provisions of this regulation the procedure at the hearing shall be such as the person or persons hearing the appeal may determine.

(8) The person or persons hearing the appeal shall as soon as may be after the hearing draw up a report, stating the relevant facts and his or their conclusions, and the Secretary of State after taking such report into consideration shall give his decision and communicate it to the appellant, the Committee, the Council and such practitioners as have under the foregoing provisions of this regulation been served with notice of the hearing.

Certificate that transaction does not involve sale of goodwill

14. A certificate issued by the Committee under section 36 (9) of the Act shall be in the form set out in the Second Schedule to these regulations or in a form to the like effect.

PART IV

GENERAL MEDICAL SERVICES OTHER THAN MATERNITY MEDICAL SERVICES

Selection of practitioner

15.—(1) Application by a person to a practitioner for acceptance and inclusion in his list shall be made in writing either on the person's medical card or on a form of application approved by the Secretary of State: Provided that any person entitled immediately before the appointed day to medical benefit under the National Health Insurance Acts, 1936 to 1941(a), and then included in the list of a practitioner who as from the appointed day provides general medical services (not being a practitioner who provides maternity medical services only) shall be deemed to be included in the list of that practitioner under these regulations unless and until he has chosen another practitioner or given notice in writing to the Council of his desire not to be so included.

(2) Application by a person to a practitioner for acceptance as a temporary resident shall be made in writing on a form supplied by the Council.

Allocation scheme

16.—(1) The Council after consultation with the Local Medical Committee shall prepare a scheme (hereinafter referred to as "the allocation scheme") which shall provide for the following matters:—

(*a*) the constitution of a committee of the Council (hereinafter referred to as "the allocation committee") consisting of equal numbers of persons appointed by the Council and the Local Medical Committee respectively and of a chairman, and the assignment to such committee or to a member or members thereof of such powers and duties relating to the administration of the scheme as may be specified therein;

(*b*) the steps to be taken by a practitioner to enable a person, who has applied for and been refused acceptance by him, to be accepted by or assigned to a practitioner;

(*c*) the provision of any treatment required by the person pending such acceptance or assignment;

(*d*) the period within which notice of acceptance of a person is to be given to the Council by any practitioner;

(*e*) the assignment to a practitioner of any person who applies for assignment;

(*f*) the provision by a practitioner of treatment where such treatment is immediately necessary owing to an accident or other emergency;

(*g*) the restrictions, if any, to be imposed on the right of a practitioner to require the removal of a person from his list where the removal would be likely to involve hardship owing to the state of that person's health;

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

(2) The allocation scheme shall specify the maximum number of persons who, save in special circumstances, may appropriately be placed on the list

(a) 26 Geo. 5. & 1 Edw. 8. c. 32; 1 & 2 Geo. 6. cc. 3, 14; 2 & 3 Geo. 6. c. 84; 4 & 5 Geo. 6. c. 39.

of a practitioner, and such maximum number shall not exceed the following:—

(*a*) in the case of a practitioner carrying on practice otherwise than in partnership, 3,500;

(*b*) in the case of two or more practitioners carrying on practice in partnership, 4,500 for any partner and an average of 3,500 for each partner:

Provided that—

(i) where a practitioner or a partnership of practitioners employs permanently one or more assistants, the said figures of 3,500 for a practitioner carrying on practice otherwise than in partnership, and 4,500 for a partner, may be increased in respect of each assistant by such number as may be fixed by the Council in the light of the circumstances of the particular case, not being more than 2,000, and in the case of a partnership any such increase shall be disregarded in calculating the average figure of 3,500 for each partner;

(ii) where an assistant is included in a medical list the increase allowable in respect of him under the preceding proviso shall be reduced by the number of persons on his list;

(iii) a practitioner who is dissatisfied with the decision of the Council respecting the extent to which his list may be increased by reason of the employment by him of an assistant may appeal against that decision to the Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from the date on which the Council intimate their decision to him, and the Committee, after such inquiry as they may think necessary, shall determine the appeal.

(3) The allocation scheme shall empower the Council to require a practitioner the number of persons on whose list exceeds the appropriate number determined in accordance with the provisions of the scheme to make arrangements within a specified period for bringing the number on his list into conformity with the said provisions, and may include provision for the necessary consultation and co-ordination in this respect between the Council and any Council of an adjoining area who may be concerned.

(4) The allocation scheme may also provide for the application with the necessary modifications of the provisions of regulation 17 (3) of these regulations to the case of—

(*a*) a practitioner whose name is included in the medical list in respect of more than one address and who ceases to practice at one of such addresses;

(*b*) a practitioner who on ceasing to employ a permanent assistant reduces the number of persons on his list; and

(*c*) a practitioner who on entering into partnership with another practitioner reduces the number of persons on his list.

(5) In the event of the Council and Local Medical Committee failing to agree on any provision of the allocation scheme the matter shall be referred to the Secretary of State, whose determination shall be final.

(6) The provisions of the allocation scheme shall be subject to the approval of the Secretary of State.

(7) The Council after consultation with the Local Medical Committee may amend the allocation scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment

proposed by either of them, the matter shall be referred to the Secretary of State who may amend the allocation scheme.

(8) If the Council fail to submit an allocation scheme to the Secretary of State within such time as he may direct, the Secretary of State may make a scheme, and such scheme shall have effect within the area of the Council as though it had been prepared by the Council and approved by the Secretary of State.

Change of practitioner

17.—(1) Subject to the provisions of the next following paragraph a person may at any time make application for acceptance by a practitioner, notwithstanding that he is at the date of application included in the list of another practitioner, and if accepted he shall forthwith be entitled to obtain treatment from the practitioner to whom application has been made.

(2) Where a person is at the date of application for acceptance by a practitioner already included in the list of another practitioner and has not changed his address from that shown on his medical card, he may be accepted only if either—

(*a*) the practitioner in whose list his name is included has given his consent, such consent being written, signed and dated on the medical card; or

(*b*) he has given notice in writing to the Council of his desire to choose another practitioner, has forwarded to the Council his medical card, or, if such card for some sufficient reason cannot be so forwarded, an application for a new card on a form to be supplied by the Council, and has received from the Council a communication stating the date on and after which another practitioner may accept him. The said communication shall be issued by the Council as soon as possible after receipt by them of the notice and medical card (or application for a new card) and the said date shall be fourteen days after the receipt of the original notice by the Council or, where the medical card or completed form of application for a new card is not forwarded with the original notice or within seven days thereafter, seven days after the receipt by the Council of the medical card or completed form: Provided that if a person does not choose another practitioner within the period ending 28 days after the aforesaid date, the communication shall no longer authorise his acceptance.

(3) Where a practitioner whose name is included in the medical list ceases to carry on his practice the Council shall make known the fact by a public notice in the local press or otherwise and by individual notices sent to the persons on the list of the practitioner. The individual notices shall also include the following particulars:—

(*a*) A statement of the right of each such person to apply to another practitioner for acceptance;

(*b*) if one or more practitioners have been selected under the provisions of regulation 8 or regulation 9 of these regulations to succeed to the practice, and the names of any such practitioners are included in the medical list, a statement of the name and address of the successor in whose list it is considered that the persons in question, or any section of them, may wish to be included, together with an intimation that such successor is willing to accept the persons concerned for treatment, and that they will be deemed to be included in his list as from the date given in the notice unless within one month of the said date they have applied

to and have been accepted by other practitioners, or have given notice in writing to the Council of their desire not to be so included,

and in such a case the said persons shall be deemed to be included in the list of the successor accordingly.

(4) The terms of notices given under this regulation shall be determined by the Council after consultation with the Local Medical Committee.

Temporary arrangements for practice on retirement, death, etc.

18.—(1) Where a practitioner whose name is included in the medical list ceases to carry on his practice the Council may, in consultation with the Local Medical Committee, make temporary arrangements for the treatment of the persons for whose treatment the practitioner was or might have become responsible, including arrangements for the appointment of one or more practitioners to undertake the treatment of such persons and for the accommodation and other needs of any practitioner so appointed: Provided that where the name of a practitioner has ceased to be included in the medical list in consequence of his decease, and any person within seven days of the date of death makes application to the Council on behalf of the estate of the deceased practitioner and the Council are satisfied that he is acting in the interests of the estate, they may, instead of themselves making an appointment under this paragraph, authorise such person to do so, and any practitioner thus appointed shall be regarded as if he had been appointed a deputy of the practitioner who is deceased.

(2) An appointment of any practitioner under this regulation shall be for such period as the Council think fit, not exceeding, except in special circumstances, six months, and shall be subject to the condition that the practitioner agrees in writing to be bound by the terms of service which were applicable to the practitioner who has ceased to carry on his practice. During the period of any such appointment the name of any person who has not applied to and been accepted by another practitioner shall be deemed to remain on the list of the practitioner who has ceased to carry on his practice.

Removal of person from practitioner's list

19.—(1) A person whose name is included in the list of a practitioner and who no longer wishes to avail himself of general medical services may at any time give notice to the Council that he wishes his name to be removed from that list, and at the expiration of fourteen days from the date of the receipt of the notice the Council shall remove the name and inform the person and the practitioner.

(2) Where in regard to a person whose name is included in the list of a practitioner providing general medical services in the area of the Council the Council after due inquiry are satisfied either—

(*a*) that the person no longer resides permanently in the area or in that part of the area where the practitioner has undertaken to provide such services, or

(*b*) that the whereabouts of the person are no longer known to the Council,

and that the practitioner in whose list the name of the person is included is no longer responsible for providing that person with general medical services, the Council shall remove the name of that person from the practitioner's list:

Provided that before removing the name of a person from a practitioner's list under this paragraph, the Council shall give to the practitioner concerned

not less than six months' notice in writing of their intention to remove the name of that person, unless the practitioner satisfies them that he is still responsible for providing general medical services for that person.

(3) On removing the name of a person from the list of a practitioner the Council shall notify the practitioner and the person concerned at his last known address.

Temporary residents

20.—(1) A person who is residing temporarily in any district and is not on the list of a practitioner providing general medical services in that district may, if requiring treatment, apply to any practitioner to be accepted by him as a temporary resident. In such a case his name shall not be removed from the list of any practitioner in which it is already included.

(2) A person moving from place to place who is for the time being not resident in any place may, if requiring treatment, apply to any practitioner to be accepted by him as a temporary resident.

(3) For the purpose of this regulation the residence of a person shall be deemed to be temporary if at the time of his arrival in a district he intends to remain there for a period of not more than three months: Provided that if his stay extends to more than three months his residence shall at the end of that period cease to be regarded as temporary.

Practitioners' lists

21.—(1) The Council shall prepare and keep revised up to date a list of persons for whose treatment each practitioner is for the time being responsible and shall from time to time furnish the practitioner with information with regard to persons added to or deleted from the list.

(2) Where a person for whose treatment a practitioner is responsible dies, or is absent from the United Kingdom for a period of three months, his name shall be deleted from the practitioner's list as from the date of death or on the expiration of the three months, as the case may be.

(3) Where such a person (*a*) leaves the United Kingdom with the intention of being away for a period in excess of three months or (*b*) enlists in Her Majesty's Forces his name shall be deleted from the practitioner's list as from the date of his departure or enlistment.

(4) Any deletions from a practitioner's list caused by the transfer of a person to the list of another practitioner, otherwise than in accordance with a notice given under paragraph (3) of regulation 17 of these regulations shall take effect from the date on which the Council receive notification of the acceptance of the person by the last named practitioner or, subject to the consent of the Council, on such date as may be agreed between the practitioners.

(5) Any other deletion of the name of such a person from a practitioner's list shall take effect as from the date on which notice of deletion is sent by the Council to the practitioner or from such other date not being earlier than that date as may be specified in the notice.

PART V

MATERNITY MEDICAL SERVICES

Application for services

22. A person who, after diagnosis of pregnancy by a medical practitioner, desires the provision of maternity medical services, may arrange for the provision of such services either by any practitioner on a medical list who

has indicated his willingness to provide maternity medical services, or by the practitioner in whose list her name is included, notwithstanding that he is not such a practitioner.

Change of practitioner

23.—(1) A practitioner who has arranged to provide maternity medical services for any person may agree with that person to terminate the arrangements. Such person may then make fresh arrangements in accordance with regulation 22.

(2) If for any reason a practitioner who has arranged to provide maternity medical services for any person or the person concerned desires to terminate the arrangements, either of them may, in default of agreement, apply to the Council for permission to terminate the arrangements. After hearing such representations as the practitioner and the person concerned may make, the Council may terminate the arrangements and give notice to such person of her right to make fresh arrangements.

Temporary residents

24. A person who is residing temporarily in any district may arrange with a practitioner for the provision by him of maternity medical services during her period of temporary residence, without prejudice to her right to obtain such services in any other area in which she may become resident.

PART VI

PHARMACEUTICAL SERVICES

Terms of service for chemists

25.—(1) The arrangements which the Council are required by section 40 of the Act to make for the supply of drugs and medicines and prescribed appliances to persons receiving general medical services, and of prescribed drugs and medicines to persons receiving general dental services, shall incorporate the terms of service contained or referred to in Part I of the Fourth Schedule to these regulations:

Provided that where the Secretary of State has informed the Council that facilities for the provision of pharmaceutical services have been or will be made available under section 15 of the Act at a health centre situated within the area of the Council, the Council shall make arrangements for the provision of pharmaceutical services at such health centre which shall incorporate the terms of service contained or referred to in Part II of the Fourth Schedule to these regulations.

(2) Notwithstanding anything to the contrary in the terms of service referred to in paragraph (1) of this regulation, a chemist providing pharmaceutical services, whether in a health centre or not, shall be under no obligation to supply drugs and appliances except upon payment of the appropriate charge specified in regulation 30 of these regulations.

Pharmaceutical list

26.—(1) The Council shall prepare a list, to be called "the pharmaceutical list", of the names and places of business of the persons, firms and bodies corporate who are entitled to be included in the list. The list shall indicate the nature of the services to be provided in each case and the days and hours during which the several places of business are open. The particulars relating to persons, firms and bodies corporate who are entitled to dispense medicines shall be shown in a separate part of the list.

(2) Application for inclusion in a pharmaceutical list shall be made by delivering or sending by post to the Council an application in the form set out in Part III or Part IV of the Fourth Schedule to these regulations, or in a form to the like effect.

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

(4) The Council shall send a copy of the pharmaceutical list to the Secretary of State, the Local Medical Committee, the Local Dental Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein.

Schemes for securing proper pharmaceutical service

27.—(1) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for testing the quality and amounts of drugs and appliances supplied. The minimum number of tests to be made annually shall be specified in the scheme.

(2) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for securing that one or more places of business on the pharmaceutical list in each district shall at all reasonable times be open. The scheme shall specify the days and hours during which such places shall be open, and the arrangements for the dispensing of medicines required urgently at other times.

(3) The provisions of the said schemes shall be subject to the approval of the Secretary of State.

(4) In the event of the Council and the Local Pharmaceutical Committee failing to agree on any provision of a scheme, the matter shall be referred to the Secretary of State, whose determination shall be final.

(5) The Council after consultation with the Local Pharmaceutical Committee may amend a scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State, who may amend the scheme.

Prescribed appliances and reagents

28.—(1) The appliances to be supplied to persons receiving general medical services shall be the appliances specified in Part I of the Third Schedule to these regulations.

(2) The chemical reagents to be supplied to persons receiving general medical services shall be those specified in Part II of the Third Schedule to these regulations.

Arrangements for supply by practitioners of drugs and appliances

29.—(1) Where the Council after consultation with the Local Pharmaceutical Committee are satisfied that a person, by reason of distance or inadequacy of means of communication or other exceptional circumstances, will have serious difficulty in obtaining from a chemist any drugs or appliances required for his treatment under these regulations, the Council shall require the practitioner who is responsible for the treatment of the person to supply such drugs and appliances to that person until further notice: Provided that where the drug or appliance is one for which the practitioner is entitled to receive special payment if he supplies it he may, with the patient's consent, instead of supplying the drug or appliance himself, issue a prescription for it.

(2) Notwithstanding anything contained in this regulation—

(*a*) a practitioner shall not be required to undertake the supply of drugs and appliances under this regulation if he satisfies the Council, or, on appeal, the Secretary of State, that he is not in the habit of dispensing drugs for his patients; and

(*b*) a practitioner shall be entitled to receive reasonable notice from the Council that he is required to undertake the supply of drugs and appliances or that such supply is to be discontinued.

Charges for drugs and appliances

30.—(1) Any person supplied under section 40 of the Act with drugs and appliances in accordance with orders given by medical or dental practitioners shall be liable to pay to the person supplying the same the following charges—

(*a*) such sum as is specified in the Sixth Schedule hereto as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of one shilling in respect of the drugs and appliances supplied to him by virtue of every prescription form which does not include an order for the supply of a scheduled appliance.

(2) Any person supplied with drugs and appliances by a medical practitioner in accordance with the requirements of sub-paragraph (*c*) of sub-paragraph (9) of paragraph 7 of Part I of the First Schedule to these regulations shall be liable to pay to the practitioner the following charges—

(*a*) such sum as is specified in the Sixth Schedule hereto as payable by the patient in respect of every scheduled appliance so supplied, and

(*b*) the sum of one shilling in respect of drugs and prescribed appliances, other than scheduled appliances, supplied on any one occasion.

(3) A medical practitioner supplying drugs and appliances in accordance with the said requirements shall accordingly, notwithstanding anything in the said sub-paragraph, be under no obligation to supply drugs and appliances except upon payment of the appropriate charge specified in paragraph (2) of this regulation.

(4) A medical practitioner shall be liable to account to the Council for the charges payable to him in accordance with the provisions of this regulation.

(5) For the purposes of this regulation drugs and appliances shall be deemed to be supplied on one occasion, notwithstanding that they are supplied at different times, if they are supplied at or following a visit or attendance and before a succeeding visit or attendance takes place:

Provided that a further supply shall not be deemed to take place on the same occasion as the original supply notwithstanding that there has been no intervening visit or attendance.

(6) Any sum payable under this regulation shall be recoverable as a debt.

PART VII

REMUNERATION AND PAYMENTS

Remuneration of practitioners under distribution scheme

31.—(1) The Council shall remunerate practitioners providing general medical services in their area in accordance with the distribution scheme set out in Part III of the First Schedule to these regulations; and clause 13 of the scheme (providing for payment for emergency treatment) shall be either

alternative A or alternative B therein provided, according to the decision taken by the Council after consultation with the Local Medical Committee.

(2) The Council may, after consultation with the Local Medical Committee and subject to the approval of the Secretary of State, modify or alter the distribution scheme in such manner as they may determine:

Provided that the scheme as modified or altered—

(*a*) shall include provision for such payment to practitioners by way of remuneration and for such other matters as are specified in paragraph 1 of Part II of the First Schedule to these regulations; and

(*b*) shall not come into operation until the first day of April following the date on which the scheme is modified or altered and shall then remain in operation at least until the thirty-first day of March following, and thereafter from year to year unless further modified or altered as hereinafter provided.

(3) Where the distribution scheme is modified or altered by the Council under the last preceding paragraph, it may, subject to the approval of the Secretary of State, from time to time be further modified or altered in the same manner.

(4) If the Local Medical Committee desire any modification or alteration of the distribution scheme, the scheme may, in default of agreement between the Council and the Local Medical Committee, be modified or altered in respect of the Council's area by the Secretary of State in such manner as he may determine.

Other remuneration of practitioners

32. Practitioners providing general medical services shall be entitled, in addition to any payments made under the distribution scheme, to receive from the Council payments in respect of the matters specified in paragraph 2 of Part II of the First Schedule to these regulations at such rates and subject to such conditions as the Secretary of State may determine after consultation with such organisations as he may recognise as representative of the medical profession.

Payments to chemists and standards of drugs and appliances

33. The Secretary of State shall, after consultation with an organisation which is, in his opinion, representative of the general body of chemists, cause to be prepared a statement (in these regulations referred to as "the drug tariff") which shall include—

(*a*) the prices on the basis of which the payment for specified drugs (being drugs commonly prescribed) and appliances is to be calculated:

Provided that such prices may, in accordance with any provision in the drug tariff to that effect, be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost price of drugs and appliances;

(*b*) the method of calculating the payment for drugs not specified in the drug tariff;

(*c*) the method of calculating the payment for containers;

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

(*e*) the standards of quality for drugs and appliances.

Without prejudice to the provisions of paragraph (*a*) hereof, the Secretary of State may, after consultation with such organisation as aforesaid, from time to time amend or alter, generally or otherwise, the drug tariff.

PART VIII

MISCELLANEOUS

Publication of particulars of arrangements

34. The Council shall cause to be published in such manner as appears to them best calculated to inform all persons interested particulars of the arrangements made by the Council, including a statement of the places where copies of the terms of service for practitioners and chemists and copies of the medical list and of the pharmaceutical list may be seen and where any forms of application are available and any other particulars which the Council think proper.

Exercise of choice of practitioner in certain cases

35. The right to choose the practitioner by whom general medical services are to be provided shall be exercised—

(*a*) on behalf of any child under the age of sixteen 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 person who, on account of sickness or other infirmity, is incapable of exercising the right to choose, by a relative or any person who has the care of such person; and

(*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.

Revocations

36. The regulations named in the Seventh Schedule to these regulations are hereby revoked but any appeal, appointment, approval, arrangement, authority, certificate, direction, determination, list, notice, requirement, scheme or tariff made or given or any proceeding commenced or thing done under such revoked regulations, shall, so far as they could have been made, given, commenced or done under corresponding provisions in these regulations, have effect as if they had been so made, given, commenced or done under these regulations.

Dated this 20th day of December, 1955.

James Stuart,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

FIRST SCHEDULE

PART I

TERMS OF SERVICE FOR MEDICAL PRACTITIONERS

Interpretation

1. In these terms of service, unless the context otherwise requires, "patient" means a person for whose treatment a practitioner is responsible under paragraph 3 of these terms of service and "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955, and other words and expressions have the same meaning as in the regulations.

Incorporation of Provisions of Regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948(a), affecting the rights and obligations of medical practitioners and the provisions of any allocation or distribution scheme made under the regulations and in force in the area, shall be deemed to form part of these terms of service.

Persons for whose treatment the practitioner is responsible

3.—(1) The persons for whose treatment a practitioner is responsible are—

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

(*b*) all persons whom he has accepted or agreed to accept as temporary residents;

(*c*) all persons who have been assigned to him in accordance with the allocation scheme and who have not been notified to him by the Council as having ceased to be on his list;

(*d*) all persons for whom he may be required, under the terms of the allocation scheme, to provide treatment pending their acceptance by or assignment to a practitioner, or to provide treatment in case of accident or other emergency;

(*e*) all persons to whom the practitioner is required to give necessary treatment under paragraph 5 of these terms of service; and

(*f*) all persons for whom he has undertaken to provide general medical services under an arrangement approved by the Secretary of State for the provision of such services to workmen residing in camps.

(2) A practitioner shall be responsible for the provision of maternity medical services for all persons for whom he has undertaken to provide such services.

(3) A practitioner who has been appointed under regulation 18 of the regulations to undertake the treatment of persons on the list of a practitioner whose name has ceased to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of all such persons.

(4) Notwithstanding anything contained in this paragraph, a practitioner shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment by the staff of the hospital.

(5) A practitioner shall indicate his acceptance of an applicant by signing either his medical card, or a form of application for acceptance which has been duly completed by the applicant or on his behalf, and sending the card or form to the Council within such period as may be specified in the allocation scheme. Where a partner, assistant or deputy, duly authorised for the purpose, signs on behalf of the practitioner he shall indicate accordingly, stating the practitioner's name as well as his own.

(a) S.I. 1948/1259 (Rev. XV, p. 887: 1948 I, p. 2455).

Right of practitioner to have patient removed from his list

4. Subject to such restrictions, if any, as may be imposed by the allocation scheme, a practitioner is entitled to have the name of any person on his list removed therefrom by giving notice at any time to the Council, and at the expiration of seven days from the receipt of such notice by the Council the name of the person shall be removed from the practitioner's list.

Evidence of person's title to obtain treatment

5.—(1) A practitioner is entitled to require a person claiming to be on his list and applying for treatment, regarding whose identity he has reasonable doubts, to produce his medical card.

(2) (*a*) If such person fails on request to produce his medical card, the practitioner is required to give any necessary treatment (including the supply of any drugs or appliances which he would be required himself to supply to a person on his list) but the practitioner may charge the applicant a reasonable fee for any treatment given, including any drugs or appliances supplied, provided that he renders the applicant an account, or gives him a receipt for the fee. The practitioner may order any drug or prescribed appliance required for the treatment of the applicant in the same way as for a person on his list.

(*b*) If the applicant applies to the Council within fourteen days after receiving the account or paying the fee, as the case may be (or within such longer period not exceeding one month as may be allowed by the Council if they are satisfied that the failure to make application within the period of fourteen days was occasioned by some reasonable cause), and the Council are satisfied that he was on the practitioner's list, the Council may require the practitioner to withdraw his account, or if the fee has been paid, may recover the fee from the practitioner by deduction from his remuneration or otherwise and repay it to the applicant. If the practitioner has supplied any drug or appliance for which, in the case of a person on his list, he would have been entitled to payment from the Council, the Council shall credit him with the payment to which he would have been so entitled.

Range of service

6.—(1) A practitioner is required to render to his patients all proper and necessary treatment. Such treatment includes the administration of anaesthetics or the rendering of any other assistance at an operation performed by and of the kind usually performed by a general medical practitioner if the administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess. Subject to subparagraph (3) of this paragraph, the treatment to be so provided does not include—

(*a*) services which involve the application of such special skill or experience as aforesaid;

(*b*) the administration of an anaesthetic at an operation performed by a practitioner providing maternity medical services;

(*c*) maternity medical services, unless the practitioner has, by arrangement with his patient, undertaken to provide her with such services.

(2) In the case of maternity medical services the expression "all proper and necessary treatment" includes all treatment (other than services which involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess) required during and following pregnancy and labour in respect of all conditions arising therefrom, and in particular the following services, namely—

(*a*) *Ante-natal services.*—Medical and obstetric examination of the patient as soon as possible after the practitioner's engagement to attend the case, such examination to be made not later than the sixth month of pregnancy if he has been engaged by that time; and such further examinations as the condition of the patient requires, including an examination at the thirty-sixth week of pregnancy and an examination at the thirty-eighth week of pregnancy.

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

(i) Attendance as soon as the practitioner thinks necessary after the commencement of labour, and, either continuously or at such intervals as he deems necessary, during labour, unless he is of opinion that his attendance is not required.

(ii) Attendance within twelve hours after the completion of labour, or as soon thereafter as practicable, and, as often as he considers necessary, throughout a lying-in period of fourteen days.

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

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

The practitioner providing the maternity medical services shall, if the person receiving the services is included in the list of another practitioner, comply with any request made by that other practitioner to examine or give any other assistance to that person and her child, if and so far as the practitioner providing the services considers that it is necessary and appropriate that he should do so.

The practitioner providing the service shall also, subject always to paragraph 3 (4) of these terms of service, administer an anaesthetic or render other assistance, as required, in connection with any service or operation performed by another practitioner as part of the hospital and specialist services, if the administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

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

(3) In case of emergency the practitioner is required to render whatever services are, having regard to the circumstances, in the best interests of the patient.

(4) In determining whether a particular service is a service involving the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

Duties of practitioner

7.—(1) If the condition of a patient is such as to require treatment which is not within the scope of the practitioner's obligations under these terms of service, but such treatment is to the knowledge of the practitioner available as part of the hospital and specialist services, the practitioner shall inform the patient of the fact and if the patient so wishes the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a patient to the hospital and specialist services the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards. The practitioner shall also give his patients such advice or assistance as he may consider appropriate to enable them to take advantage of the local health authority services and maternity medical services.

(2) If the condition of a patient is such as to require the supplementary ophthalmic services, the practitioner shall if so desired furnish him with a recommendation for such services on a form provided by the Council for the purpose.

(3) A practitioner is required to attend and treat at the places, on the days and at the hours to be arranged to the satisfaction of the Council, any patient who attends there for that purpose, but he may, with the consent of the Council or, on appeal, of the Secretary of State, alter the places, days or hours of his attendance and shall in that event take such steps as the Council consider necessary to bring the alteration to the notice of his patients.

(4) A practitioner is required to provide proper and sufficient consulting and waiting room accommodation for his patients, having regard to the circumstances of his practice, and such accommodation shall not, except with the consent of the Council, or, on appeal, of the Secretary of State, be in premises occupied by a chemist.

(5) The practitioner shall at all reasonable times admit any member or officer of the Council or the Local Medical Committee authorised for the purpose by the Council, to any consulting or waiting room of the practitioner for the purpose of inspecting the said consulting or waiting room, provided that on each occasion a prior request in writing has been made to him.

(6) A practitioner is required to visit and treat a patient whose condition so requires at any place where under the terms of his application for inclusion in the medical list or otherwise he is under an obligation to visit such patient.

(7) A practitioner is required to issue to a patient or his personal representative free of charge any of the certificates described in the first column of the Fifth Schedule to these regulations, being a certificate which is reasonably required by him under or for the purposes of any enactment specified in the second column of the said schedule opposite the description of the certificate in the first column; and any certificate which a practitioner is required to issue for the purposes of the National Insurance Acts, 1946 and 1953(a), shall be issued in accordance with any regulations made under those Acts:

Provided that a practitioner shall not be required to issue a certificate where the patient is receiving treatment otherwise than from, or under the supervision of, a medical practitioner.

(8) (*a*) A practitioner, except when providing maternity medical services, is responsible for providing the services of another practitioner for the administration of an anaesthetic, when necessary, in connection with any service or operation on his patient undertaken by him under these terms of service, whenever such administration does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(*b*) A practitioner providing maternity medical services is responsible for providing the services of another practitioner for the administration of an anaesthetic when necessary in connection with any operation performed by him on his patient and undertaken by him under these terms of service.

(9) (*a*) A practitioner is required to supply to a patient such drugs and appliances as are required for immediate administration or application or for use before a supply can be obtained otherwise under the regulations.

(*b*) A practitioner may supply any other drug which is administered by him in person, or a pessary specified in Part I of the Third Schedule.

(*c*) A practitioner shall supply all requisite drugs and prescribed appliances to any patient to whom the Council have required him to supply drugs and appliances under regulation 29 of the regulations.

(*d*) A practitioner shall comply with any arrangements made by the Secretary of State, or made by the Council after consultation with the Local Medical Committee and the Local Pharmaceutical Committee and approved by the Secretary of State, under which he may obtain and have available any drugs or appliances which he is required or entitled to supply in terms of this paragraph.

(*e*) A drug supplied by a practitioner unless administered in person shall be supplied in a suitable container.

(10) A practitioner is required to order, by completing a form provided by the Council for the purpose, such drugs and prescribed appliances (other than those which he supplies under the preceding sub-paragraph) as are requisite for any treatment given to a patient under these terms of service. The order shall be signed by the practitioner with his own hand, and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs

(a) 9 & 10 Geo. 6. cc. 62 and 67, 1 & 2 Eliz. 2. c. 29.

or appliances to a previous order and, in the case of an appliance which requires to be of a size suitable for the individual patient, shall include the necessary measurements. The forms provided by the Council shall not be used for persons other than patients for whose treatment the practitioner is responsible under these terms of service, and a separate form shall be used for each patient.

(11) A practitioner shall comply with any reasonable request by the Council to furnish orders on a form provided by the Council for drugs and prescribed appliances for the purposes of any scheme for testing drugs and appliances made under the regulations.

(12) A practitioner is required—

(*a*) to keep records of the illnesses of his patients and of his treatment of them in such form as the Secretary of State may from time to time determine after consultation with an organisation which is in his opinion representative of the general body of medical practitioners;

(*b*) to forward such records to the Council when called for, with reasonable promptness; and

(*c*) upon knowledge of the death of a person on his list, to forward such record to the Council within seven days:

Provided that the records to be kept by a practitioner providing maternity medical services shall contain such particulars, including particulars of the services rendered by the practitioner, as may be determined by the Secretary of State after consultation as aforesaid.

(13) A practitioner is required—

(*a*) to furnish in writing to the medical officer within such reasonable period as the latter may specify any information which he may require with regard to the case of any patient to whom the practitioner has issued or declined to issue a medical certificate;

(*b*) to meet the medical officer, at his request, for the purpose of examining in consultation any patient in respect of whom the practitioner has sought the advice of the medical officer; and

(*c*) to make available to the medical officer, upon notice being given, the records kept by the practitioner under these terms of service, and to furnish to the medical officer any information desired by him with regard to any entry therein, or with regard to any prescription or certificate issued by the practitioner under these terms of service.

Deputies, assistants and partners

8.—(1) Save as provided in this paragraph in the case of partners and assistants, all treatment shall be given by a practitioner personally, except where he is prevented by reason of other professional duties, temporary absence from home or other reasonable cause.

(2) A practitioner shall make all necessary arrangements for securing the treatment of his patients where he is unable for any of the causes mentioned above to give treatment personally and shall inform the Council of any standing arrangements for that purpose. He shall not absent himself from his practice for more than one week without first informing the Council of his proposed absence and of the person or persons responsible for conducting his practice during such absence.

(3) (*a*) A practitioner shall not, except with the consent of the Council, at any time employ an assistant to attend his patients unless such employment is for a period of less than three months in any period of twelve months:

Provided that where the Council refuse to give their consent to the employment of an assistant by a practitioner, the practitioner may appeal against such refusal to the Scottish Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from the date on which the Council intimate to him refusal of consent and the Committee after such inquiry as they may think necessary shall determine the appeal.

(*b*) The name of any assistant employed by a practitioner shall be notified by him to the Council as soon as possible.

(4) A practitioner shall not, without the consent of the Secretary of State, employ as a deputy or assistant any practitioner who is disqualified for inclusion in the medical list of the Council concerned under section 43 of the Act.

(5) A practitioner acting as deputy shall be entitled to treat patients at places or at times other than those arranged by the practitioner for whom he is acting, due regard being had to the convenience of the patients.

(6) A deputy or assistant (other than a partner or assistant whose name is included in the medical list) shall, in addition to signing with his own name any certificate, prescription form or other document issued by him under these terms of service, insert therein if it does not already appear the name of the practitioner for whom he is acting as deputy or assistant.

(7) A practitioner is responsible for all acts and omissions of any practitioner acting as his deputy or assistant in relation to his obligations under these terms of service.

(8) In the case of two or more practitioners practising in partnership or as a principal and assistant, treatment may at any time be given by a partner or assistant of the practitioner in whose list the patient is included, instead of by the practitioner in person, if reasonable steps are taken to secure continuity of treatment: Provided that the patient will be entitled to require the personal services of the practitioner in whose list his name is included except when the latter is prevented from attending for any of the reasons referred to in sub-paragraph (1) of this paragraph.

(9) For the purposes of this paragraph the word "partner" shall include any partner who is otherwise deemed under the regulations to be an assistant and the word "assistant" shall not include such a person.

Arrangements for practice

9. A practitioner shall not carry on practice elsewhere than at a health centre or at his place of residence except upon conditions which appear to the Council, or, on appeal, to the Secretary of State, to be such as to enable his obligations under these terms of service, and in particular his obligation to visit his patients, to be adequately carried out. Any conditions so imposed may include a requirement that the patients of the practitioner are to be notified at the practitioner's expense of any special arrangements under which his practice is carried on.

Acceptance of fees

10.—(1) A practitioner shall not demand or accept any fee or remuneration, other than payments due to him under the regulations, in respect of any treatment rendered, or any drug or appliance supplied, whether under these terms of service or not, to a patient of his or of his partner or assistant: Provided that nothing in this paragraph shall debar a practitioner from demanding and accepting a fee or other remuneration—

(*a*) under paragraph 5 of these terms of service;

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

(*c*) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body as to any administrative action they might take;

(*d*) for treatment not included within the range of service defined in paragraph 6 given—

(i) in special accommodation for private patients set aside in a hospital in accordance with section 5 of the Act, or

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

if in either case the practitioner is serving on the staff of a hospital providing hospital and specialist services as a specialist providing treatment of the kind required by the patient and within seven days after the date on which the treatment is given he furnishes the Council, on a form to be supplied by them for the purpose, with such particulars relating to the service rendered as they may require;

(*e*) under section 16 of the Road Traffic Act, 1934(a);

(*f*) from a dental practitioner in respect of the provision at his request of an anaesthetic for a person for whom that dental practitioner is providing general dental services or in respect of treating such a person for the arrest of bleeding;

(*g*) from a partner or assistant in respect of the provision of an anaesthetic to a patient of the partner or assistant.

(2) A practitioner shall take all practicable steps to ensure that any partner, deputy or assistant of his, whether or not such partner, deputy or assistant is providing general medical services, shall not demand or accept any fee or other remuneration in respect of treatment rendered, or any drug or appliance supplied, to the practitioner's patients, unless the partner, deputy or assistant would have been entitled to charge if the patient had been on his own list.

(3) In this paragraph the expression "treatment" includes the provision of personal medical services during and following pregnancy and labour in respect of conditions arising therefrom.

Method of altering terms of service; withdrawals from the medical list

11.—(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 notice of the proposed alteration. Such notice shall be given to each practitioner, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of medical practitioners, the Council shall, before making an alteration, consult with the Local Medical Committee, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice of the proposed alteration shall be given to the Local Medical Committee only, the Council shall give notice to the Local Medical Committee, and notice shall in that case be deemed to have been given to each practitioner.

12. A practitioner is entitled at any time to give notice to the Council that he desires to withdraw his name from the medical list and his name shall be removed therefrom at the expiration 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 43 of the Act that the continued inclusion of a practitioner in the medical list would be prejudicial to the efficiency of the general medical services, he shall not, except with the consent of the 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 pending the termination of the proceedings on such representations.

13. Where the Council, after consultation with the Local Medical Committee, are satisfied that owing to the continued absence or bodily or mental disability of a practitioner his obligations under the terms of service are not being adequately carried out, they may with the consent of the Secretary of State give notice to the persons on his list that the practitioner is for the time being

(a) 24 & 25 Geo. 5. c. 50.

in their opinion not in a position to carry out his obligations under the terms of service.

Disputes, appeals, etc.

14. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) the investigation of questions arising between practitioners and their patients and other investigations to be made by the medical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from the practitioner where there has been a breach of the terms of service;

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

(*c*) the investigation of cases of alleged excessive prescribing;

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

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

Issue of notices to practitioners

15. Any notice which the Council are required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been sent by post or delivered to or at the address which the practitioner has last notified to the Council as being his place of residence.

PART II

REMUNERATION OF PRACTITIONERS

1. *Payments by way of remuneration and other matters to be dealt with in any distribution scheme in accordance with regulation* 31:—

(*a*) a capitation payment, that is to say, a payment by reference to the number of persons (not exceeding the maximum number of persons permitted under the allocation scheme together with such additional number as the Secretary of State may direct) included in a practitioner's list. The payment shall not be less than such sum as the Secretary of State shall determine after consultation with an organisation recognised by him as representative of general practitioners;

(*b*) a "loadings" payment, that is to say, an additional capitation payment payable to a practitioner other than an assistant or a practitioner referred to in sub-paragraph (*d*) hereof in respect of persons within the range of 501 to 1,500 on such a practitioner's list or such other range as is fixed for the time being by the Secretary of State. The payment shall not be less than such sum as the Secretary of State may determine after consultation with an organisation recognised by him as representative of general practitioners;

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

(*d*) the adjustment of payment in the case of a practitioner whose list of patients is limited to the staff of a hospital or similar institution in which he is employed or to persons resident in or connected with a school or any other institution or establishment;

(*e*) the adjustment of payment in the case of a practitioner who is exempted from the liability of having persons assigned to him or is relieved of obligations arising from emergency night calls in respect of persons not on his list;

(*f*) payment for treatment given by a practitioner in an emergency to a person not included in his list;

(*g*) payment in cases where the practitioner is required to provide the services of a second practitioner for the purpose of administering an anaesthetic;

(*h*) the method of calculating a practitioner's list including, in the case of a partnership, adjustment with the approval of the Council or, on appeal, the Scottish Medical Practices Committee, of the number of persons on the lists of members of the partnership so as to attract the maximum number of loadings for the partnership:

Provided that the Scottish Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal;

(*i*) the method of payment to practitioners practising in the areas of two or more Executive Councils;

(*j*) the method of payment to practitioners practising in partnership;

(*k*) the method by which and the time within which moneys are to be paid by the Council; and

(*l*) such other matters, if any, as may be required.

2. *Payments made otherwise than under the distribution scheme:—*

(*a*) an initial practice allowance, that is to say, an allowance payable for a period not exceeding three years either to a practitioner who has recently set up or is about to set up in single-handed practice or is appointed to succeed to such a practice in an area where, in the opinion of the Scottish Medical Practices Committee after consultation with the Executive Council, the establishment of a practice is necessary for an efficient service or to a practitioner in receipt of a fixed annual payment on 31st March, 1953, under the regulations then in operation:

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

(*b*) payment to assist certain practitioners who suffer a fall in gross professional earnings as a result of the method of remuneration of practitioners brought into operation for the year ending 31st March, 1954;

(*c*) an inducement payment, that is to say, a payment additional to other payments to a practitioner practising in an area which is in the opinion of the Secretary of State, after consultation with the Scottish Medical Practices Committee, sparsely populated or for any reason unattractive to medical practitioners;

(*d*) a fee for the supervision and training of a practitioner who is being trained in general practice as a "trainee general practitioner" and grants towards certain expenses in connection therewith under arrangements approved by the Secretary of State;

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

(*f*) payment in respect of mileage;

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

(*h*) payments in respect of general medical services to workmen residing in camps, under an arrangement approved by the Secretary of State; and

(*i*) payment in respect of the establishment of a group practice.

PART III

REMUNERATION OF PRACTITIONERS

Distribution Scheme

Interpretation

1.—(1) In this Scheme, unless the context otherwise requires, the following words and expressions have the respective meanings hereby assigned to them:—

"the Act" means the National Health Service (Scotland) Act, 1947, as amended.

"Allocation Committee" means the Committee constituted under the Allocation Scheme.

"Allocation Scheme" means the scheme prepared by the Council under regulation 16 of the regulations, and approved by the Secretary of State.

"capitation payments" means payments (other than loadings) based on the number of persons included in a practitioner's list.

"Council" means the Executive Council for .....

"loadings" means additional payments payable to a practitioner other than an assistant in respect of each person within the range 501 to 1,500 on a practitioner's list or such other range as is notified for the time being to the Council by the Secretary of State.

"Local Medical Committee" means the Local Medical Committee for .....

"practitioner" means a registered medical practitioner providing general medical services under the Act.

"quarter" means a period of three months ending on 30th June, 30th September, 31st December, or 31st March.

"regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955(a).

"responsible Council" means a Council who accept responsibility in respect of a practitioner under clause 3 of this Scheme.

"temporary resident" means a person to whom regulation 20 of the regulations applies.

"trainee general practitioner" means an assistant practitioner in respect of whom a supervision fee is payable under arrangements approved by the Secretary of State.

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

(2) For the purposes of this Scheme, a practitioner shall be deemed not to be carrying on practice in partnership or to be a partner unless in the opinion of the Council or, on appeal, the Scottish Medical Practices Committee he is in the position of a principal in connection with the practice and is entitled to a share in the profits of the partnership which is not less than one-third of the share of the profits of the partner with the largest share. A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant.

Calculation of lists

2.—(1) The Council shall send to each practitioner on their medical list a statement of the number of persons who are included in his list on the first day of each quarter, and unless within ten days from the date on which such statement is sent by the Council the practitioner notifies the Council that he disputes the correctness of the statement, the statement shall be regarded as agreed by him, and it shall not be open to him to raise any subsequent objections to it, or to any payment based upon it.

(2) Where the notice of acceptance by a practitioner of a person is received by the Council not later than forty-eight hours after the commencement of a

(a) S.I. 1955/1942.

quarter, the person shall be deemed for the purpose of paragraph (1) above to have been included in the practitioner's list on the first day of the quarter.

(3) A practitioner who notifies the Council that he disputes the correctness of the statement under paragraph (1) above shall submit to the Council within twenty-one days such evidence as they may reasonably require from him in order to enable the dispute to be settled.

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

(*a*) is also on the medical list of another Executive Council or other Executive Councils, or

(*b*) is practising in partnership with a practitioner or practitioners, one or more of whom is on the list of another Executive Council or other Executive Councils, and it has been decided that the arrangements under clause 7 of this Scheme shall apply in respect of the partnership,

the Council shall consult with the other Executive Councils concerned and in conjunction with them decide which Executive Council shall be responsible for determining the total number of persons on the lists of the practitioner or practitioners concerned. Where the Council accept this responsibility in respect of a practitioner they shall ascertain each quarter from the other Executive Councils concerned the number of persons on the list of the practitioner in the area of these Executive Councils (these numbers having been adjusted as necessary following any representations made by the practitioner under clause 2 above).

Calculation of quarterly capitation payments and loadings

4. Subject as hereinafter provided in clauses 5 to 12, a practitioner shall be entitled to receive each quarter from the Council capitation payments and loadings, calculated at such rates as the Secretary of State may notify, in respect of the number of persons on his list at the first day of the quarter:

Provided that where the number of persons on a practitioner's list exceeds the maximum number permitted in the Allocation Scheme the capitation payments (including any payments made under clauses 5 to 12 hereof) shall not exceed an amount calculated by reference to the aforesaid maximum number together with any additional number which the Secretary of State may direct, the aggregate of these numbers being hereinafter referred to as the "limiting number".

5.—(1) In respect of each practitioner for whom they are the responsible Council in terms of clause 3, the Council shall notify each other Executive Council concerned of the number of persons on the practitioner's list at the first day of each quarter in the area of that Executive Council in respect of whom loadings are payable; the apportionment between the respective Executive Councils of the total number of loadings in respect of each practitioner being made by the Council in proportion to the total number of persons on the practitioner's list in the area of each Executive Council.

(2) Where, in the case of a practitioner in respect of whom the Council are the responsible Council, the total number of persons on his list in the areas of all the Executive Councils concerned exceeds the appropriate limiting number referred to in clause 4 above, the Council shall notify each other Executive Council concerned of the number of persons on the practitioner's list at the first day of each quarter in the area of that Executive Council in respect of whom capitation payments are payable; the apportionment between the respective Executive Councils of the limiting number being made by the Council in proportion to the total number of persons on the practitioner's list in the area of each Executive Council.

6. In respect of a practitioner on the medical list of the Council for whom another Executive Council act as the responsible Council, the number of loadings, and, if the circumstances in clause 5 (2) above apply, the number of capitation payments to be paid by the Council each quarter shall be such number as is notified to the Council for the quarter by the responsible Council.

7. Where the members of a partnership would be entitled to a greater number of loadings if their patients were divided among them on a basis other than the

existing basis the aggregate of the numbers of persons on the list of all the partners shall be allocated between the partners on a basis agreed among them for the purpose of calculating the total number of loadings to be paid to the practitioners under clauses 4 to 12 of this Scheme; the number of loadings to be paid to each partner shall be that proportion of that total which the number of persons on his list on the first day of the quarter bears to the aggregate of the number of persons on the lists of all the partners on that date:

Provided that the Council or responsible Council, as the case may be, shall exclude a partner from these arrangements where it appears to that Council or, on appeal, to the Scottish Medical Practices Committee, that for any reason the partner should be excluded, and where a partner is so excluded he shall be entitled to such payments as he would be entitled to if he were practising in single-handed practice.

8.—(1) A practitioner whose name has for any reason ceased to be included in the medical list in the course of a quarter shall be entitled to a proportionate part of the amount which would have been payable for the whole of the quarter in respect of the number of persons on his list, the apportionment being based on the number of days in the quarter on which his name was included in the medical list.

(2) Where persons have been transferred or deemed to have been transferred from the list of a practitioner whose name has ceased to be included in the medical list, the practitioner to whose list they have been transferred or deemed to have been transferred shall be entitled to a proportionate part of the amount which would have been payable in respect of the persons so transferred had they been included in his list on the first day of the quarter, the apportionment being based on the number of days in the quarter on which their names were included in his list.

(3) Where a practitioner to whom persons have been transferred in accordance with the preceding paragraph is on the medical list of another Executive Council or other Executive Councils, and the Council are the responsible Council in respect of him, they shall notify the other Executive Councils concerned of the total number of loadings, if any, to which he has thus become entitled, and the date from which this number applies, being the date on which the transfer of persons took effect.

(4) Where a practitioner to whom persons have been transferred in accordance with paragraph (2) of this clause is on the medical list of another Executive Council or other Executive Councils and another Executive Council is the responsible Council in respect of him, the Council shall notify the responsible Council of the number of persons transferred and of the date on which the transfer took effect, and request them to determine the number of loadings, if any, to which the practitioner becomes entitled in the area of the Council.

(5) Where, following a notice given under regulation 17 (3) of the regulations a person chooses another practitioner within the period of one month prescribed in that regulation, payment shall not be made in respect of that person to the practitioner named in the notice, and payment shall be made in respect of the person to the chosen practitioner in accordance with the provisions of paragraph (2) of this clause as if the person had been transferred to his list as from the date given in the notice.

9. Where a practitioner whose name is included in the medical list in respect of more than one address has during the quarter ceased to practise at one of such addresses and the number of persons on his list has on that account been reduced or where a practitioner has reduced the number of persons on his list on ceasing to employ an assistant or on entering into partnership with that assistant or other practitioner and persons thereby removed from his list have been transferred to or accepted by one or more practitioners, payment shall be made in respect of such persons in accordance with the provisions of clause 8 above.

10. Where the list of a practitioner is limited to the staff of a hospital or similar institution in which he is employed or to persons resident in or connected

with a school or any other institution or establishment, loadings shall not be payable to the practitioner and the capitation payments which would otherwise be due to him in accordance with the foregoing paragraphs shall be reduced by 20 per cent.

11. The payments which would otherwise be due under the foregoing clauses to any practitioner, other than a practitioner to whom clause 10 above applies, shall be reduced—

(*a*) by 5 per cent. where the practitioner has been exempted by the Allocation Committee from liability to have persons assigned to him under the Allocation Scheme ; and

(*b*) by 10 per cent. where the practitioner has been exempted by the Allocation Committee from liability for emergency night calls for persons not on his list (other than temporary residents whom he has accepted for treatment).

12. Where, for the purpose of securing the treatment of persons on the list of a practitioner whose name has ceased to be included in the medical list pending their selection of or transfer to the list of another practitioner, one or more practitioners are appointed under regulation 18 of the regulations, the practitioner or practitioners so appointed shall be entitled to a proportionate part of the amount which would have been payable to the practitioner whose name has ceased to be included in the medical list, the apportionment being based upon the duration in days of the appointment:

Provided that—

(*a*) where an appointment has been made under the proviso to regulation 18 (1) of the regulations, payment of the sum due shall be made to the legal personal representative of the deceased practitioner ;

(*b*) the practitioner or practitioners appointed by the Council shall, if the Council after consultation with the Local Medical Committee so decide, be paid for the duration of the appointment a weekly sum determined by the Council after consultation with the Local Medical Committee which remuneration shall be the sole remuneration payable by the Council in respect of the appointment. In these circumstances the Council may also, after consultation with the Local Medical Committee, make payments in respect of the expenses necessary to enable the practice to be carried on.

Payment for emergency treatment

Alternative A—General Scheme

13.—(1) Subject as hereinafter provided, where a practitioner on the medical list of the Council is summoned to provide and provides treatment under the terms of the Allocation Scheme in case of accident or other emergency in respect of a person not on his list or on that of his partner, payment shall be made in accordance with the provisions of paragraph (7) below.

(2) A claim for payment in the form prescribed in Appendix A to this Scheme (or a form to the like effect) shall be sent by the practitioner to the Council within 21 days after he is summoned to provide the treatment or, where special cause is shown, such longer period not exceeding two months as the Council, after consultation with the Local Medical Committee, shall allow.

(3) The Council shall before making payment submit the claim to the Local Medical Committee, who shall have power to determine whether any item claimed should be disallowed:

Provided that before exercising this power the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing.

(4) Where the claim is allowed by the Local Medical Committee in whole or in part the Council shall pay to the practitioner called upon to provide the treatment the amount due, and unless the Local Medical Committee are satisfied that there was reasonable cause for the non-attendance of the practitioner, if

any, in whose list the name of the person was included. the Council shall deduct the amount from the remuneration of that practitioner:

Provided that—

(*a*) before deciding to recommend such deduction the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing;

(*b*) if the non-attendance is the subject of an investigation by the Medical Service Committee in accordance with the provisions of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, no deduction shall be made pending the outcome of the investigation.

(5) No payment shall be made by the Council where a practitioner is entitled to receive a fee under section 16 of the Road Traffic Act, 1934, except where the Local Medical Committee are satisfied that the practitioner is unable for any reason other than his own default to recover the fee.

(6) If an application for treatment is made to a practitioner by or on behalf of a person remaining in the district for less than twenty-four hours, the treatment shall be deemed for the purposes of payment to have been given in an emergency within the meaning of paragraph (1) above, and not in accordance with clause 15 of this Scheme, which provides for payment for the treatment of temporary residents.

(7) (*a*) The normal scale of fees for emergency treatment shall be as follows:—

	£	s.	d.
(i) Emergency consultation (at any place or time)	0	8	6
(ii) Minor surgical operation requiring—			
Local or general anaesthetic	0	15	0
Treatment of fracture	0	15	0
Reduction of dislocation	0	15	0
(iii) Administration of general anaesthetic	1	15	0

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

(*b*) Where in any particular case a practitioner furnishes details purporting to show that the service rendered by him is not covered by any of the items in the scale of fees set out above, the Local Medical Committee shall determine the payment to be made by the Council to the practitioner for the service.

Alternative B—"Knock for knock" scheme

13.—(1) Where a practitioner on the medical list of the Council is summoned to provide and provides treatment under the terms of the Allocation Scheme in case of accident or other emergency in respect of a person not on his list or on that of his partner, no payment for the treatment will normally be made:

Provided that if the practitioner considers that (*a*) because of his location or for some other reason he is called upon to provide such treatment on an undue number of occasions; or (*b*) the circumstances in which he was called upon to provide such treatment were of a wholly exceptional nature, he may make claim for payment.

(2) Such claim shall be made to the Council within twenty-one days after the practitioner is summoned to provide the treatment or, where special cause is shown, such longer period not exceeding two months, as the Council, after consultation with the Local Medical Committee, shall allow.

(3) The Council shall refer such claims to the Local Medical Committee who if they consider that the circumstances are exceptional shall recommend to the Council the payment of such amount as the Committee think fit.

(4) Where a claim is allowed by the Local Medical Committee in whole or in part, the Council shall pay to the practitioner the amount determined by the Committee.

(5) As paragraph (5) of Alternative A.

(6) As paragraph (6) of Alternative A.

Special payments for providing the services of anaesthetists

14.—(1) Subject as hereinafter provided, where the services of a second practioner are required for the purpose of administering a general anaesthetic, otherwise than in connection with maternity medical services, a fee of £1 15s. 0d. shall be payable to the practitioner who is responsible for providing the services of the anaesthetist.

(2) A claim for payment on the form prescribed in Appendix B to this Scheme (or a form to the like effect) shall be sent by the practitioner to the Council within twenty-one days after the date on which the services are provided.

(3) The Council shall before making payment submit the claim to the Local Medical Committee, who shall have power to determine whether any part of it should be disallowed:

Provided that before making any such determination the Local Medical Committee shall afford the practitioner a reasonable opportunity of appearing before and being heard by them, or, if he thinks fit, of submitting a statement in writing.

(4) Where the claim is allowed by the Local Medical Committee in whole or in part the Council shall pay to the practitioner the amount due.

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

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

Payments for the treatment of temporary residents

15.—(1) Subject to clause 13 (6) above, payment shall be made to practitioners for the treatment of temporary residents under regulation 20 of the regulations in accordance with the following arrangements:—

(*a*) Notification that treatment has been given shall be made to the Council on the form prescribed in Appendix C to this Scheme (or a form to the like effect).

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

(*c*) Payment shall be at the rate of 5s. for treatment given to a temporary resident who is residing at a place which the Council, after consultation with the Local Medical Committee, have classified as a convalescent home or other institution where special arrangements for medical services are made, being a place of residence at which ten or more persons reside temporarily, and where the Council are satisfied that the practitioner is in regular attendance, and payment for the treatment of all other temporary residents shall be at the rate of 17s.: provided that these rates may be varied by the Council, after consultation with the Local Medical Committee

(*d*) Only one payment shall be made to any one practitioner, his partner, assistant or deputy for all treatment given to a temporary resident within a period of three months commencing from the date of the first treatment.

(2) Claims for payment for treatment given to temporary residents shall be made by practitioners not later than the end of the quarter following that in which treatment was terminated.

Arrangements for payment

16.—The payments due in accordance with the foregoing paragraphs shall be made not later than the last day of the quarter, provided that:—

(*a*) If any practitioner has notified the Council that he disputes the correctness of the statement of the number of persons on his list and the payment

to which the practitioner is entitled cannot be finally ascertained by that date, the Council shall make payment without taking account of the matter in dispute and shall make any adjustment which may subsequently prove necessary in the payment for a succeeding quarter.

(*b*) If after the payment is made for a quarter any deduction is for any reason required to be made from the practitioner's remuneration for that quarter, the Council shall deduct the amount from his remuneration for a succeeding quarter.

(*c*) If after the payment is made for a quarter it appears that, owing to an error on the part of the Council or of the practitioner or for any other reason, the amount paid to the practitioner for that quarter was either more or less than that to which under the terms of this Scheme he was entitled, the Council shall, notwithstanding that no question has been raised by the practitioner under clause 2 of this Scheme, make an appropriate deduction from, or addition to, the amount to be paid to him for a succeeding quarter.

(*d*) In respect of claims made under clauses 13 and 14 above which are allowed by the Local Medical Committee at least fourteen days before the end of the quarter, payment shall be made on the last day of the quarter; in respect of claims allowed less than fourteen days before the end of the quarter, payment shall be made on the last day of the next quarter.

(*e*) In respect of claims made under clause 15 above payment shall be made on the last day of the quarter following the quarter in which the claim for payment is made: provided that where under the proviso to sub-paragraph (*c*) of paragraph (1) of clause 15 above the amount payable to a practitioner is greater than the amount otherwise payable under that sub-paragraph, the additional amount payable under the proviso shall not be paid until the supplementary sum available to the Council in terms of clause 19 of this Scheme has been notified to the Council and the appropriate deduction in terms of sub-paragraph (*c*) of paragraph (4) of that clause has been made from the supplementary sum.

17. If two or more practitioners are practising in partnership

(1) any claims submitted to the Council under this Scheme in respect of services rendered by either or any of the partners may be submitted as a single claim in the name of the partnership;

(2) any payment made under this Scheme may if the partners so desire be made as a single payment in the name of the partnership and in such a case the receipt of either or any partner for payments made by the Council shall be a valid discharge to the Council.

Advances on account

18. If a practitioner applies for a payment on account to be made in advance of the payment due at the end of a quarter and satisfies the Council that it would involve difficulty or hardship if payment were not made until the end of the quarter, the Council shall make either:—

(1) a single advance payment not earlier than the middle of the quarter of not more than one half of the amount estimated to be due to him for the quarter by way of capitation payments and loadings having regard to the number of persons on his list on the first day of the quarter and the quarterly rates notified by the Secretary of State for the immediately preceding quarter in respect of capitation payments and loadings, or

(2) monthly advances on account, each such advance not to exceed one-third of the amount estimated to be due to the practitioner for the quarter calculated in accordance with the preceding paragraph.

Supplementary payments

19.—(1) Any sum which is credited to the Council to provide additional remuneration to practitioners for the year shall be dealt with in accordance with the following provisions of this clause.

(2) The supplementary sum notified by the Secretary of State shall be increased or decreased, as the case may be, by the amount by which any payments made by

the Council under proviso (*b*) to clause 12 above (temporary arrangements for carrying on a practice) fall short of or exceed respectively the amounts which, but for this proviso, would have been payable to the practitioner or practitioners concerned.

(3) The supplementary sum notified by the Secretary of State shall be increased by the amount, if any, by which the total payments made by the Council during the year under sub-paragraph (*c*) of paragraph (1) of clause 15 above (payment for the treatment of temporary residents) falls short of the total amount which, but for the proviso to that sub-paragraph, would have been payable to the practitioners concerned.

(4) Subject to any directions given by the Secretary of State in respect of any particular financial year there shall be deducted from the supplementary sum adjusted as necessary in accordance with paragraphs (2) and (3) above:—

(*a*) the amount of any payments made to practitioners during the year under clause 13 above (payment for emergency treatment) in so far as they have not been deducted from the remuneration of the practitioners on whose lists the names of the persons concerned were included;

(*b*) the amount of any payments made to practitioners during the year under clause 14 above (special payments for providing the services of anaesthetists);

(*c*) such amount as may be required to provide additional payments to practitioners in respect of the treatment of temporary residents in accordance with the proviso to clause 15 (1) (*c*) above.

(5) The balance shall be apportioned among practitioners in proportion to the amount allocated to them under the provisions of clauses 4 to 12 of this Scheme.

Duration of the Scheme

20. This Scheme shall have effect from 1st April, 1953, to 31st March, 1954, and shall thereafter continue in operation from year to year unless modified or altered in accordance with regulation 31 of the regulations.

APPENDIX A

National Health Service, Scotland

Claim in respect of emergency treatment

Name of Patient.....

National Health Service No.....

Home Address .....

Name of Patient's Doctor.....

The nature of the service and the time and place at which it was rendered should be shown in all claims	Date	Service Rendered	Time and Place where service rendered	Fees £ s. d.

Nature of accident or emergency.....

.....

Whether the accident was caused by or arose out of the use of a motor vehicle on a road .....

For patients temporarily absent from home district

I am informed that the patient was absent from the district in which he/she is normally resident for less than 24 hours.

Note: A patient who is temporarily absent from home and outside the district where his/her doctor normally provides general medical services for 24 hours or longer should be accepted as a "Temporary Resident" and a claim made on Form E.C.19 (Scotland) (Rev.).

Signed.....

Date .....

Note: This account should be sent to the Clerk of the Executive Council within 21 days after treatment is given.

APPENDIX B

NATIONAL HEALTH SERVICE, SCOTLAND

Claim for payment for the services of an anaesthetist

I hereby give notice that on (date).....
I rendered to the patient named below, who is included in my list, the professional service, particulars of which are given, which required the services of a second practitioner (not being a trainee general practitioner) for the purpose of administering a general anaesthetic.

I hereby declare that in my opinion the administration of the anaesthetic did not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

I claim payment of the appropriate fee.

Name of patient.....

National Health Service No.....

Address .....

.....

Place where operation was performed.....

Particulars of service rendered.....

.....

(Nature of operation or other service, and the reason which rendered a general anaesthetic necessary.)

Nature of anaesthetic.....

Signature of practitioner performing operation.....

Signature of practitioner administering anaesthetic.....

Date.....

Note: This account should be sent to the Clerk of the Executive Council within 21 days after the date on which the service was rendered.

APPENDIX C

NATIONAL HEALTH SERVICE, SCOTLAND

Claim for remuneration for treatment given to a Temporary Resident

To.....Executive Council

Surname | Mr. / Mrs. / Miss | National Health Service No.

Christian Names

Temporary Address

To be completed by patient

I hereby declare that I am temporarily residing at the address given above and that I do not intend to remain in the district for longer than 3 months from the date of my arrival. I have received treatment from the doctor whose signature appears below. (A parent, guardian, or other person in charge should sign on behalf of a child, invalid, or other person unable to sign.)

Signature.....

Home Address .....

.....

Date.....

Name of doctor at home.....

To be completed by doctor

I have accepted the above-named person for treatment as a temporary resident and have given treatment for which I claim to be remunerated.

If doctor is a dispensing doctor and claims capitation fee for drugs he should enter " D " here .....

If—in areas where mileage schemes operate and mileage payments in respect of treatment of temporary residents are made—doctor claims mileage payment, he should enter here distance, in miles, between his residence and the patient's temporary residence.....

Date .....

Ref. No. .....

Signature .....

PART IV

FORM OF APPLICATION FOR INCLUSION IN MEDICAL LIST

To the Executive Council for.....

I.....

date of birth....., residing at

.....

(*private address*)

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

.....(date of qualification:.....19.....)

*and the particulars of my service under the National Service Acts being as follows

.....

.....

apply to be included in the list of medical practitioners providing

†general medical services $\frac{\text{†including}}{\text{†excluding}}$ maternity medical services

†general medical services, such services being limited to maternity medical services

for persons in the Council's area and if my application is granted I accept service under, and agree to be bound by, the terms of service for the time being in operation in that area.

†I do not intend to practise in partnership.

†I intend to practise in partnership. The names of my partners are:—

.....

†I intend to act as an assistant to.....

The district or districts within which if my application is granted I undertake to visit patients and particulars of my consulting hours are given below.

I also undertake to visit at the place at which they were residing at the date on which they were placed on my list, any patients who at that date resided outside the said district or districts.

DISTRICT	‡ADDRESS OF CONSULTING ROOMS	DAYS AND HOURS OF ATTENDANCE

Signed.....

Date .....

* Applicants who are not liable for service under the National Service Acts should delete this clause.

† Delete if inappropriate.

‡ *Note:* An applicant for admission to a medical list is not required to commit himself to the purchase or tenancy of consulting accommodation before the result of his application is known, but he should have some particular premises in mind and a reasonable certainty of being able to secure them if required.

SECOND SCHEDULE

Form of Certificate to be issued by Scottish Medical Practices Committee under Section 36 (9) of the National Health Service (Scotland) Act, 1947

WHEREAS .....
has applied to the Scottish Medical Practices Committee under section 36 (9) of the National Health Service (Scotland) Act, 1947, for their opinion as to whether the proposed transaction or series of transactions described in the schedule hereto, which sets out all material circumstances disclosed to the Committee, involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of that section; AND WHEREAS the Committee have considered the application:

NOW THEREFORE the Scottish Medical Practices Committee hereby certify that they are satisfied that the said transaction or series of transactions does not involve such a sale as aforesaid.

SCHEDULE

Dated this.....day of.....19.....

Signature of the chairman or other member authorised by the Committee for the purpose. } .....

THIRD SCHEDULE

PART I

List of Appliances

Animal Wool
Applicators
Armslings
Atomisers, hand operated

Bandages:
- calico
- cotton or rayon and elastic
- crepe
- domette
- elastic adhesive
- flannel
- indiarubber
- many-tailed
- muslin
- open wove
- plaster of paris
- suspensory, cotton
- T-shape
- triangular
- zinc paste

Breast relievers
Breast shields
Brushes, when required for the proper administration of any drug forming part of general medical services

Catheters:
- urethral:
  - gum elastic } and lubricant for use therewith
  - soft rubber }

Cellulose tissue
Cellulose wadding
Chiropody felt
Colostomy belts and parts thereof: for repairs and replacements only
Corn and bunion plasters and rings
Cotton wool:
- absorbent
- grey
- medicated

Douches, with rectal and vaginal fittings
Dressings
Droppers, when required for the proper administration of any drug forming part of general medical services

Elastic hosiery:
- anklets
- knee leggings
- knee stockings
- kneecaps
- leggings
- stockings
- thigh kneecaps
- thigh leggings
- thigh pieces
- thigh stockings

Eye baths
Eye ointment rods
Eye shades

Finger stalls
Funnels, as specified in the Drug Tariff

Gauzes:
  medicated
  unmedicated
Gauze and cotton tissue:
  medicated
  unmedicated

Hypodermic needles
Hypodermic syringes

Ice bags:
  check sheeting
  indiarubber
Inhalers:
  earthenware (Nelson)
  Burney Yeo
Insufflators
Irrigators:
  eye
  nasal

Lints:
  medicated
  unmedicated

Masks, when 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

Nipple shields other than lead nipple shields

Pessaries:
  ring
  fluid ring
  Hodge's
  inflatable ball : for replacements only
  stem

Plasters:
  adhesive
  elastic
Protectives:
  battiste
  gutta percha tissue
  jaconet
  oiled cambric
  oiled rayon
  oiled silk

Rubber tubing

Splints:
  rigid splints including Gooch and Kramer splinting and poroplastic but excluding walking caliper splints, surgical boots, foot supports worn with boots and shoes, elbow and knee cage splints and Howard Marsh knee splints
Sponge rubber
Sputum flasks
Suprapubic belts and parts thereof:
  for repairs and replacements only
Syringes:
  ear
  enema
  urethral

Tampons
Test Tubes
Tow
Trusses:
  femoral
  inguinal
  scrotal
  umbilical

Urinals, portable
Urine Sugar Analysis Set, as specified in the drug tariff

Vaccination shields and pads
Vaporisers, as specified in the drug tariff

PART II

Chemical Reagents

Benedict's Solution (Qualitative)

Diagnostic Nitroprusside Tablets

Diagnostic Solution—Tablets of Copper

Fehling's Solution

Gerhardt's Reagent

Indicators required for measurement of pH value of urine

Litmus Papers

Rothera's Reagent

Strong Solution of Ammonia

FOURTH SCHEDULE

PART I

Terms of Service for Chemists providing Pharmaceutical Services elsewhere than at a Health Centre

Interpretation

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

"the Act" means the National Health Service (Scotland) Act, 1947;

"the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955;

"chemist" means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, who provides pharmaceutical services, and the terms of service shall also apply to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined;

"appliances" in relation to appliances ordered by a medical practitioner means appliances specified in Part I of the Third Schedule to the regulations;

"Council" means the Executive Council constituted for any area; and

"drugs" includes medicines and such chemical reagents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in the Third Schedule to the National Health Service (General Dental Services) (Scotland) Regulations, 1955(a).

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, and any scheme made thereunder affecting the rights and obligations of chemists shall be deemed to form part of these terms of service.

Provision of pharmaceutical services

3.—(1) (*a*) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(*b*) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

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

(2) All drugs and preparations supplied by chemists shall, where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex, or the Drug Tariff, conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(3) 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.

(a) S.I. 1955/258 (p. 1384 above).

Place and hours of business

4.—(1) Pharmaceutical services shall be provided at the place or places of business specified in the application made by the chemist for inclusion in the Council's list, and the place or places shall be open for the supply of pharmaceutical services during the hours specified in the scheme to be made by the Council for that purpose under the regulations.

(2) At each place of business at which pharmaceutical services are provided there shall be exhibited a notice to be provided by the Council in the form prescribed in Part V (or Part VI) of this Schedule. There shall also be exhibited at each place of business of a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, at times when that place of business is not open, and in such a manner as to be visible at such times, a notice in a form approved by the Council indicating the facilities available for securing the dispensing of medicines urgently required.

(3) Pharmaceutical services shall not, except with the consent of the Council, or, on appeal, of the Secretary of State, be provided by a chemist in premises occupied by a medical practitioner.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately prior to the sixteenth day of December, 1911, acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act, 1925(a), unless he holds a licence for the purpose.

Names of registered pharmacists

6. A chemist shall, if so required by the Council, furnish to the Council the name or names of registered pharmacists employed by him in dispensing medicines for persons receiving general medical or general dental services.

Charges for the supply of drugs, etc.

7. All drugs, containers and appliances supplied under these terms of service shall be supplied to the person presenting the order, without payment by him of any charge other than such charges as are specified in the regulations.

Method of payment

8.—(1) A chemist is required to furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

(2) The Council shall, if any chemist so requires, afford him reasonable facilities for examining all or any of the forms on which the drugs or appliances supplied by him were ordered, together with particulars of the amounts calculated to be payable in respect of such drugs and appliances and if he takes objection thereto, the Council shall take such objection into consideration.

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

(a) 15 & 16 Geo. 5. c. 60.

(4) Payment will be made for drugs and appliances in the drug tariff at the prices specified therein and for drugs or appliances not in the tariff in the manner set forth therein: Provided however that in either case the amount payable shall be reduced by the following amounts:—

(*a*) such sum as is specified in the sixth schedule to the regulations as payable by the patient in respect of every scheduled appliance supplied on the order of a medical practitioner; and

(*b*) an amount equal to one shilling for every prescription form on which drugs and appliances have been ordered by a medical or dental practitioner and supplied by the chemist, not being a prescription form on which a scheduled appliance has been supplied.

The payment to be made for containers and in respect of dispensing fees shall be calculated in the manner set forth in the tariff.

(5) If the Secretary of State, after consultation with such organisation as is mentioned in sub-paragraph (1) of this paragraph, and with the Drug Accounts Committee constituted under the National Health Service (Drug Accounts Committee) (Scotland) Order, 1948(a), is satisfied at any time that the method of payment hereinbefore provided for in this paragraph is such that undue delay in payment may be caused thereby, he may direct that the amounts to be payable to a chemist shall be calculated by such other method, whether by averaging the amounts payable to a chemist or otherwise, as appears to him designed to secure that—

(*a*) payment may be made within a reasonable time; and

(*b*) that payments to a chemist shall, as nearly as may be, remain the same as if the payments had been calculated in accordance with the first mentioned method of payment,

and payments calculated by any such other method shall be deemed for all purposes to be payments made in accordance with these regulations.

Revision of terms of service

9.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration. Such notice shall be given to each chemist, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the 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 three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee and notice shall thereby be deemed to have been given to each chemist.

Withdrawal from pharmaceutical list

10.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of 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 43 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(a) S.I. 1948/1596 (Rev. XV, p. 989: 1948 I, p. 2321).

(2) The name of any chemist whose business is carried on by representatives in accordance with the provisions of the Pharmacy and Poisons Acts, 1852 to 1933, shall not be removed from the list so long as the business is carried on by them in accordance with the provisions of those Acts, and the representatives agree to be bound by the terms of service of the chemist.

Disputes, appeals, etc.

11. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) the investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;

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

PART II

Terms of Service for Chemists providing Pharmaceutical Services at a Health Centre

Interpretation

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

"the Act" means the National Health Service (Scotland) Act, 1947;

"the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1955;

"chemist" means a registered pharmacist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933, who provides pharmaceutical services at a health centre;

"appliances" in relation to appliances ordered by a medical practitioner means appliances specified in Part I of the Third Schedule to the regulations;

"Council" means the Executive Council constituted for any area;

"drugs" includes medicines and such chemical reagents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in the Third Schedule to the National Health Service (General Dental Services) (Scotland) Regulations, 1955; and

"health centre" means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act.

Incorporation of provisions of regulations, etc.

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948, and any scheme made thereunder affecting the rights and obligations of chemists shall, so far as they are applicable, be deemed to form part of these terms of service.

Provision of pharmaceutical services

3.—(1) (*a*) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(*b*) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

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

(2) All drugs and preparations supplied by chemists shall, where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex or the Drug Tariff, conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(3) A chemist shall perform at a health centre such other duties as a chemist may reasonably be expected to perform.

(4) A chemist shall not provide at a health centre services other than pharmaceutical services under these terms of service.

Attendance

4. A chemist shall attend at a health centre on such days and at such hours as may be agreed between the Council and the chemist.

Dispensing of medicines

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately prior to the sixteenth day of December, 1911, acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act, 1925, unless he holds a licence for the purpose.

Remuneration

6.—(1) The Council shall pay to the chemist such remuneration in respect of his obligations under these terms of service as the Secretary of State may from time to time determine.

(2) Except as provided in the regulations a chemist shall not suggest, demand or accept from any person to whom he is providing pharmaceutical services or from any other person the payment of any fee or remuneration in respect of any pharmaceutical services which he is required to give under these terms of service; the chemist shall account for and pay to the Council, in such manner as they may require, any sums received by him in respect of pharmaceutical services under the regulations.

Records, etc.

7.—(1) A chemist shall keep such records relating to the provision of services under these terms of service as the Secretary of State may require, and shall if required to do so produce such records to the Secretary of State.

(2) A chemist shall furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

Revision of terms of service

8.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration to each chemist providing pharmaceutical services at a health centre within the area of the Council, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the 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 three months from the date of issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee, and notice shall thereby be deemed to have been given to each chemist providing pharmaceutical services at a health centre in the area of the Council.

Termination of service.

9.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of 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 43 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(2) Any arrangement between the Council and a chemist for the provision of services at a health centre may be terminated by either party giving to the other three months' notice in writing:

Provided that if the chemist shall fail to comply with any of these terms of service the Council may terminate the arrangement by giving him one month's notice in writing.

(3) The Council may at any time suspend a chemist from the discharge ot his duties, but such suspension shall not affect the right of the chemist to receive remuneration during the continuance thereof.

Disputes, appeals, etc.

10. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations, 1948:—

(*a*) the investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;

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

PART III

Form of Application for inclusion in Pharmaceutical List for use by Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

To the Executive Council for .....

I(We) ..... of .....

..... hereby undertake to dispense medicines and supply drugs and appliances under the terms for the time being in operation in the area of the Council, and apply to have my(our) name(s)

included in the Council's pharmaceutical list. My(our) place(s) of business for this purpose will be .....

.....

The registered pharmacist(s) in charge at this(these) place(s) of business is(are) .....

Registration Number(s) .....

Signed .....

Date .....

PART IV

Form of Application for inclusion in Pharmaceutical List for use by persons other than Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

To the Executive Council for .....

I(We) ..... of .....

..... hereby undertake

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

* (*b*) to supply appliances.

under the terms for the time being in operation in the area of the Council, and apply to have my(our) name(s) included in the Council's pharmaceutical list. My(Our) place(s) of business for this purpose will be

.....

.....

Signed .....

Date .....

PART V

Form of Notice to be exhibited by Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

(Name of person, firm or company contracting).

Under contract with the Executive Council for

.....

.....

to dispense medicines and supply drugs and appliances.

These premises are open at the following times:—

PART VI

Form of Notice to be exhibited by persons other than Registered Pharmacists and Authorised Sellers of Poisons

National Health Service

(Name of person, firm or company contracting).

Under contract with the Executive Council for

.....

.....

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

* (*b*) to supply appliances.

These premises are open at the following times:—

* Delete (a) or (b) where necessary.

FIFTH SCHEDULE

LIST OF MEDICAL CERTIFICATES

Medical Certificate	Short Title of Enactment under or for the purposes of which certificate required
To support a claim or obtain a payment, either personally or by proxy, under the enactments specified.	Family Allowances Act, 1945 (8 & 9 Geo. 6. c. 41). National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6. c. 62). National Insurance Act, 1946 (9 & 10 Geo. 6. c. 67). National Insurance Act, 1953 (1 & 2 Eliz. 2. c. 29).
To prove inability to work or incapacity for self-support for the purposes of an award by the Minister of Pensions and National Insurance. To enable proxy to draw pensions, etc.	Pensions (Navy, Army, Air Force and Mercantile Marine) Act, 1939 (2 & 3 Geo. 6. c. 83). Pensions (Mercantile Marine) Act, 1942 (5 & 6 Geo. 6. c. 26). Naval and Marine Pay and Pensions Act, 1865 (28 & 29 Vict. c. 73). Air Force (Constitution) Act, 1917 (7 & 8 Geo. 5. c. 51). Personal Injuries (Emergency Provisions) Act, 1939 (2 & 3 Geo. 6. c. 82). Polish Resettlement Act, 1947 (10 & 11 Geo. 6. c. 19). Home Guard Act, 1951 (15 & 16 Geo. 6. & 1 Eliz. 2. c. 8).
To procure extra coal in cases of illness.	Defence Regulation 55 as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (9 & 10 Geo. 6. c. 10) (as extended by the Supplies and Services (Extended Purposes) Act, 1947 (10 & 11 Geo. 6. c. 55) and the Supplies and Services (Defence Purposes) Act, 1951 (14 & 15 Geo. 6. c. 25) and continued in force by the Supplies and Services (Continuance) Order, 1955 (S.I. 1955/1810)).
To establish pregnancy or other grounds for the purpose of obtaining welfare foods.	Emergency Powers (Defence) Acts, 1939–45, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945 (9 & 10 Geo. 6. c. 10), the Supplies and Services (Extended Purposes) Act, 1947 (10 & 11 Geo. 6. c. 55) and the Supplies and Services (Defence Purposes) Act, 1951 (14 & 15 Geo. 6. c. 25).
To obtain permission to import certain foreign drugs and medicines.	Import, Export and Customs Powers (Defence) Act, 1939 (2 & 3 Geo. 6. c. 69).
To enable sight-test to be obtained under the supplementary ophthalmic services.	National Health Service (Scotland) Act, 1947 (10 & 11 Geo. 6. c. 27).
To establish fitness to receive nitrous oxide and air analgesia in childbirth.	Midwives (Scotland) Act, 1951 (14 & 15 Geo. 6. c. 54).
To secure registration of a still-birth.	Registration of Still-Births (Scotland) Act, 1938 (1 & 2 Geo. 6. c. 55).

Medical Certificate	Short Title of Enactment under or for the purposes of which certificate required
To enable payment to be made to another person in case of mental disability of person entitled to payment from public funds.	Superannuation Act, 1887 (50 & 51 Vict. c. 67).
To establish unfitness for jury service.	Jurors (Scotland) Act, 1825 (6 Geo. 4. c. 22). Jurors (Enrolment of Women) (Scotland) Act, 1920 (10 & 11 Geo. 5. c. 53).
To establish unfitness to attend for medical examination.	National Service Act, 1948 (11 & 12 Geo. 6. c. 64).
To support late application for reinstatement in civil employment or notification of non-availability to take up employment, owing to sickness.	Reinstatement in Civil Employment Act, 1944 (7 & 8 Geo. 6. c. 15). National Service Act, 1948 (11 & 12 Geo. 6. c. 64). Reinstatement in Civil Employment Act, 1950 (14 & 15 Geo. 6. c. 10). Reserve and Auxiliary Forces (Training) Act, 1951 (14 & 15 Geo. 6. c. 23).
To enable disabled person to be registered as an absent voter.	Representation of the People Act, 1949 (12, 13 & 14 Geo. 6. c. 68).

SIXTH SCHEDULE

Charges Payable by the Patient for Appliances

Appliance	Charge
Elastic Anklet	5s. each
Elastic Kneecap	5s. each
Elastic Legging	5s. each
Elastic Thigh Piece	5s. each
Elastic Knee Legging	10s. each
Elastic Stocking	10s. each
Elastic Thigh Kneecap	10s. each
Elastic Knee Stocking	10s. each
Elastic Thigh Legging	10s. each
Elastic Thigh Stocking	10s. each

SEVENTH SCHEDULE

REGULATIONS REVOKED

Title or Description	S.I. Number and Volume Reference
The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948	S.I. 1948/1258 (Rev. XV, p. 857: 1948 I, p. 2393).
Amendment Regulations, 1948	S.I. 1948/1770 (Rev. XV, p. 857: 1948 I, p. 2421).
Amendment Regulations, 1949	S.I. 1949/566 (1949 I, p. 2655).
Amendment No. 2 Regulations, 1949 ...	S.I. 1949/1168 (1949 I, p. 2656).
Amendment No. 3 Regulations, 1949 ...	S.I. 1949/2344 (1949 I, p. 2659).
Amendment Regulations, 1950	S.I. 1950/465 (1950 I, p. 1446).
Amendment No. 2 Regulations, 1950 ...	S.I. 1950/782 (1950 I, p. 1447).
Amendment No. 3 Regulations, 1950 ...	S.I. 1950/1345 (1950 I, p. 1450).
Amendment No. 4 Regulations, 1950 ...	S.I. 1950/1685 (1950 I, p. 1451).
Amendment Regulations, 1951	S.I. 1951/524 (1951 I, p. 1416).
Amendment No. 2 Regulations, 1951 ...	S.I. 1951/1765 (1951 I, p. 1419).
Amendment Regulations, 1952	S.I. 1952/572 (1952 II, p. 2099).
Amendment Regulations, 1953	S.I. 1953/366 (1953 I, p. 1306).
Amendment No. 2 Regulations, 1953 ...	S.I. 1953/541.
Amendment No. 3 Regulations, 1953 ...	S.I. 1953/542 (1953 I, p. 1308).
Amendment No. 4 Regulations, 1953 ...	S.I. 1953/689 (1953 I, p. 1323).
Amendment No. 5 Regulations, 1953 ...	S.I. 1953/1650 (1953 I, p. 1327).
Amendment Regulations, 1955	S.I. 1955/1200.
The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations, 1952	S.I. 1952/1026 (1952 II, p. 2086).

EXPLANATORY NOTE

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

These regulations consolidate with some minor amendments the regulations listed in the Seventh Schedule. The alterations are mainly of an administrative character, the most important being the re-drafting of Regulations 4 (2) and 17 (3) to enable Executive Councils to adopt a more convenient method of arranging the medical list and to make it obligatory upon Councils to send out individual notices to patients when a doctor ceases to carry on his practice.

1955 No. 460 (S. 50)

The National Health Service (Regional Hospital Boards and Boards of Management, Solicitor) (Scotland) Regulations, 1955

Made - - - - 22*nd March*, 1955
Laid before Parliament 31*st March*, 1955
Coming into Operation 1*st July*, 1955

In exercise of the powers conferred on me by subsection (1) of section 12 of the National Health Service (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Regional Hospital Boards and Boards of Management, Solicitor) (Scotland) Regulations, 1955, and shall come into operation on the 1st day of July, 1955.

(**a**) 10 & 11 Geo. 6. c. 27.