Provided also that where the Council give such notice on or before 31st December, 1952, the period of notice shall be three months.

(2) 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 ".

(2) In Regulation 23 in paragraph (4) the words from " The Council shall also " to the end of the paragraph shall be omitted.

(3) In paragraph 10 of Part I of the First Schedule after head (*e*) of the proviso to sub-paragraph (1) there shall be inserted the following head:—

" (*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."

Dated this 3rd day of October, 1951.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

The Regulations amend the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations, 1948, by enabling an Executive Council to remove from doctors' lists, after due notice to the doctor, persons whose addresses cannot be traced; by enabling doctors to receive fees from dentists for administering anaesthetic or arresting bleeding, in the case of the doctor's own patients; and by making sundry minor amendments in the said Regulations.

The National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment Order, 1951

1951 No. 165 (S. 6)

Made - - - - - 29*th January,* 1951
Coming into Operation 1*st February,* 1951

Whereas it appears to me to be expedient, in the interests of the efficiency of the supplementary ophthalmic services provided under Part IV of the National Health Service (Scotland) Act, 1947(**a**), as amended by the National Health Service (Amendment) Act, 1949(**b**), that the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948(**c**), should be amended:

(**a**) 10 & 11 Geo. 6. c. 27. (**b**) 12, 13 & 14 Geo. 6. c. 93. (**c**) S.I. 1948 (No. 1452) I. p. 2425.

Now, therefore, in exercise of the powers conferred on me by subsection (4) of section 32 of the said Act, and of all other powers enabling me in that behalf, I hereby make the following Order:—

1. This Order may be cited as the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment Order, 1951, and shall come into operation on the first day of February, 1951.

2. The following article shall be added after article 19 of the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948:—

20.—(1) The appropriate Committee shall from time to time examine the Forms No. 1 prescribed in the Third Schedule to the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, which have been completed by an ophthalmic medical practitioner or an ophthalmic optician after testing the sight of persons applying for supplementary ophthalmic services, and where it appears to the Committee that by reason of the number of glasses and type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error detected the cost incurred by the Council is materially in excess of what was reasonably necessary for the adequate treatment of those persons, they shall make a report thereon to the Council, and the report shall state fully the facts of the case as ascertained by them and the grounds upon which their opinion is based, and shall contain a recommendation as to the sum, if any, which, in their opinion, might properly be recovered from the ophthalmic medical practitioner or the ophthalmic optician, as the case may be:

Provided that before making a report to the Council the Committee shall furnish the ophthalmic medical practitioner or the ophthalmic optician concerned with a statement indicating the grounds on which an investigation has appeared necessary and shall afford him reasonable opportunity of appearing before and being heard by them or, if he thinks fit, of submitting to them any statement in writing.

(2) (*a*) If at any time it appears to the Council that the reports by the Committee as a result of investigation made under paragraph (1) of this article are not such as to enable the Council properly to perform the duties imposed on them with reference thereto, or that in any other respect the Committee have delayed or failed to carry out their duties under that paragraph, the Council may, after giving not less than fourteen days previous notice in writing to the Committee, appoint some fit and proper person or persons, not exceeding two in number, for the purpose of holding an investigation under this article and reporting to them, and the report of such person or persons shall be referred to the Committee for consideration and for submission to the Council of a recommendation as to the action to be taken.

(*b*) The person or persons so appointed shall have the same powers and duties with respect to the investigation into the number of glasses and type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error detected, as are conferred and imposed on the Committee, and shall be entitled to require the Committee to furnish them with any relevant statistics or other information available to the Committee.

(3) The Council shall consider the report of the Committee, or, in the case where the Council have appointed a person or persons as aforesaid, the report of such person or persons and the recommendation of the

Committee, and if they are of the opinion that the cost incurred by the Council by reason that the number of glasses and type of lenses prescribed is materially in excess of what was reasonably necessary for the adequate treatment of the persons whose sight was tested, they may recover from the ophthalmic medical practitioner or ophthalmic optician, as the case may be, whether by deduction from his remuneration or otherwise, such sum as they think fit.

(4) The Council shall send to the Secretary of State copies of every report made by the Committee or by the person or persons appointed by the Council as aforesaid (including, where any report is made by such person or persons, the recommendation by the Committee) and of the decision of the Council thereon.

(5) The Council shall inform the Committee and the ophthalmic medical practitioner or ophthalmic optician, as the case may be, of any decision made by them, and the ophthalmic medical practitioner or ophthalmic optician shall be entitled to appeal therefrom to the Secretary of State, and the foregoing provisions of this Order relating to the procedure on appeal from a decision of the Council made under article 14 and to the hearing and expenses of the appeal shall apply.

(6) If at any time it appears to the Secretary of State that, notwithstanding the default of the Committee, the Council have not taken steps to cause an investigation to be made by a person or persons appointed by them as aforesaid, or if the Secretary of State is not satisfied that the obligations laid on the Committee and the Council by this article have been adequately fulfilled, the Secretary of State may appoint a person or persons, not exceeding two in number, for the purpose of holding an investigation under this article, and the person or persons so appointed shall have the same powers and duties in respect to the investigation into the number of glasses and type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error detected by ophthalmic medical practitioners and ophthalmic opticians, as are conferred and imposed on the Committee, and shall be entitled to require the Committee and the Council to furnish them with any relevant statistics or other information available.

(7) Any report made by the person or persons so appointed shall be made to the Secretary of State, and if the Secretary of State is of the opinion that by reason of the number of glasses and type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error detected the cost incurred by the Council is materially in excess of what was reasonably necessary for the adequate treatment of persons whose sight was tested, he may direct that such sum as he thinks fit shall be recovered from the ophthalmic medical practitioner or ophthalmic optician, as the case may be, by the Council, whether by deduction from his remuneration or otherwise, and the decision of the Secretary of State shall be final.

Dated this 29th day of January, 1951.

Hector McNeil,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

EXPLANATORY NOTE

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

This Order amends the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, by

(1) providing for an examination by a Joint Ophthalmic Services Committee or, failing action by the Committee, by persons appointed for the purpose by the Executive Council, of the ophthalmic prescriptions issued by an ophthalmic medical practitioner or an ophthalmic optician and by empowering the Executive Council if, by excessive prescribing, the ophthalmic medical practitioner or the ophthalmic optician has caused an excessive cost to the Service, to withhold from him, subject to appeal to the Secretary of State, such sum as the Executive Council think fit; and

(2) empowering the Secretary of State, failing action by the Committee and the Council and after an examination of ophthalmic prescriptions, to issue to the Executive Council a direction to withhold from an ophthalmic medical practitioner or an ophthalmic optician who, by excessive prescribing, has caused an excessive cost to the Service, such sum as he may decide.

The National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment (No. 2) Order, 1951

1951 No. 353 (S. 15)

Made - - - - *27th February*, 1951
Coming into Operation *1st March*, 1951

Whereas it appears to me to be expedient, in the interests of the efficiency of the supplementary ophthalmic services provided under Part IV of the National Health Service (Scotland) Act, 1947(a), as amended by the National Health Service (Amendment) Act, 1949(b), that the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948(c), should be amended:

Now, therefore, in exercise of the powers conferred on me by subsection (4) of section 32 of the said Act amended as aforesaid, and of all other powers enabling me in that behalf, I hereby make the following Order:—

1. This Order may be cited as the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Amendment (No. 2) Order, 1951, and shall come into operation on the 1st March, 1951.

2. The National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order, 1948, shall be amended as follows:—

(*a*) For the words "those appointed by the Local Medical Committee" at the end of paragraph (1) (*a*) of article 4 there shall be substituted the words "medical practitioners and opticians".

(*b*) The following new paragraph shall be added to article 4:

"(3) Where a member appointed under paragraph 1 (*b*) of this article is unable for any reason to attend, or take part in any proceedings at a meeting of the committee held for the investigation of a

(a) 10 & 11 Geo. 6. c. 27. (b) 12, 13 & 14 Geo. 6. c. 93. (c) S.I. 1948 (No. 1452) I, p. 2425.