MEDICAL PRACTICES COMPENSATION

The National Health Service (Medical Practices Compensation) Amendment Regulations, 1950

1950 No. 1744

Made - - - -	30*th October*, 1950
Laid before Parliament	31*st October*, 1950
Coming into Operation	1*st November*, 1950

M.H. 111154

The Minister of Health, in exercise of his powers under section 36 of the National Health Service Act, 1946(**a**), and sections 1 and 3 of the National Health Service (Amendment) Act, 1949(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations :—

1. These regulations may be cited as the National Health Service (Medical Practices Compensation) Amendment Regulations, 1950, and shall come into operation on the first day of November, 1950.

2.—(1) In these regulations the expression " the principal regulations " means the National Health Service (Medical Practices Compensation) Regulations, 1948(**c**); the expression " the Amending Act " means the National Health Service (Amendment) Act, 1949; and references to medical practitioners shall be deemed to include references, where appropriate, to the personal representatives of deceased practitioners.

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

3. In paragraph (1) of regulation 2 of the principal regulations there shall be inserted after the definition of " the Act " the following definition ' " the Amending Act " means the National Health Service (Amendment) Act, 1949 '.

4. Any reference in the principal regulations to a medical practitioner whose name is entered on the appointed day on a medical list shall be deemed to include a reference to any practitioner who is entitled to claim compensation by virtue of section 3 of the Amending Act (Right of medical partners to be entered on lists after appointed day).

5. For paragraph (3) of regulation 3 of the principal regulations there shall be substituted the following paragraph:—

(3) The form of application shall be duly completed and delivered or sent by post to the Minister on or before the 31st December, 1950: Provided that where the Minister is satisfied that it is not or has not been practicable to submit an application by the said date the Minister may allow such further period not exceeding two months for the submission of the claim as appears to him to be reasonable.

6. In regulation 5 of the principal regulations (Determination of loss) after the words " Subject to the provisions of these regulations " there shall be inserted the words " and to the provisions of the Amending Act ".

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93.
(c) S.I. 1948 (No. 1506) I, p. 2183. (d) 52 & 53 Vict. c. 63.

7. For the purposes of paragraph (2) (*b*) of regulation 7 of the principal regulations (Annual loss) the average gross yearly receipts of a partnership practice shall be calculated by reference to the period therein mentioned regardless of any change in the membership of the partnership or of the fact that the practice became a partnership practice after the beginning of that period.

8.—(1) Proviso (i) to paragraph (2) of regulation 7 of the principal regulations (Annual loss) shall apply to the calculation of the annual loss in respect of a share of the goodwill of a partnership practice where the goodwill of the practice has been acquired by purchase within the period therein mentioned by and on behalf of the partnership and in such a case shall have effect as if the words " the appropriate proportion as provided by sub-paragraph (*b*) hereof of " were inserted before " the average gross yearly receipts of the practice as estimated for the purpose of the purchase ".

(2) Proviso (i) to paragraph (2) of regulation 7 of the principal regulations (Annual loss) shall not apply to the calculation of the annual loss in respect of a share of the goodwill of a partnership practice by reason only of the fact that such share or some part thereof was purchased by the practitioner on or with a view to the constitution of the partnership or on or with a view to or after his becoming a member thereof.

9. Subject to the provisions of regulation 11 of the principal regulations (Arbitration) the determination by the Minister of the amount of the annual loss notified to the claimant in accordance with regulation 10 of the principal regulations (Decisions on claims) shall be final and conclusive except that:—

(1) Where the notification was given to the claimant before the coming into operation of these regulations the Minister may within six months after the coming into operation of these regulations make such modification of the amount of such annual loss as is necessary:—

(*a*) to give effect to subsection (13) of section 1 of the Amending Act; or

(*b*) to give effect to any of the provisions of these regulations; or

(*c*) to give effect to any facts or information not known to the Minister when such amount was determined; and

(2) Where the notification is given to the claimant after the coming into operation of these regulations the Minister may within six months of the coming into operation of these regulations or within one month after such notification has been given whichever is the later make such modification of the said amount as is provided for by sub-paragraph (*c*) of paragraph (1) hereot.

10. Any modification of the amount of the annual loss made under the last preceding regulation shall be notified to the claimant who shall have the right within 14 days thereafter to apply for arbitration under regulation 11 of the principal regulations (Arbitration) as if such notification were a notice referred to in that regulation.

11. In regulation 11 of the principal regulations (Arbitration) the following paragraphs shall be inserted after paragraph (2):—

" (3) Where the date for the hearing by the arbitrator of any such matter has been fixed, and, owing to illness or other unavoidable cause, it is impracticable for him to attend, he may appoint a deputy to act in his stead, such deputy being a barrister or solicitor of not less than seven years' standing.

(4) As soon as practicable after the receipt of an application for arbitration which relates to a share of the goodwill of a partnership practice the Minister shall give notice of such receipt to any other claimant or his personal representatives interested in respect of the same partnership who has not made or joined in making an application for arbitration and such other claimant or his personal representatives shall be entitled to attend and take part in the arbitration proceedings.

(5) On any arbitration relating to any share of the goodwill of a partnership practice the arbitrator shall have power to modify in any respect the amount of the annual loss as determined by the Minister in respect of all or any of the other shares of the goodwill of the practice; and in particular the arbitrator shall ensure that (except in any special case in which the Minister on the advice of the Committee has determined amounts of annual loss in respect of different shares of goodwill by reference to different accounting periods) the aggregate amount of the annual losses in respect of all the shares of goodwill of the partnership in respect of which compensation is claimed and payable shall not exceed the amount which would be the amount of the annual loss in respect of such shares if they had all belonged to the same person.

(6) Unless the arbitrator otherwise directs all arbitrations relating to shares of the goodwill of the same partnership shall be consolidated and be held together".

12. Regulation 12 of the principal regulations (Distribution of aggregate amount of compensation) shall be amended in manner following.

(i) In paragraph (2) after the words "Subject as is otherwise provided in these regulations" there shall be inserted the words "and subject to the provisions of the Amending Act" and the words "by way of compensation" shall be deleted.

(ii) In paragraph (2) (*a*) the words "practising otherwise than in partnership" and the word "such", where it first occurs, shall be deleted.

(iii) Paragraph (2) (*b*) shall be deleted.

13. In paragraph (1) of regulation 13 of the principal regulations (Payment of compensation) after the words "Subject as hereinafter provided" there shall be inserted the words "and subject to the provisions of the Amending Act".

14. A practitioner entitled to claim compensation by virtue of section 3 of the Amending Act, shall, in making his claim, delete from the prescribed claim form any reference to his name having been entered in a medical list on the 5th July, 1948, and shall attach to the form a signed statement that on the 5th day of July, 1948, he was practising in partnership and that subsequently, but before the expiration of two months from the 16th day of December, 1949, his name was entered on the medical list of an Executive Council named in the statement.

15.—(1) Where the purchase price of a share of the goodwill of a partnership practice, purchased by a listed partner in circumstances mentioned in subsection (8) of section 1 of the Amending Act, is payable by instalments, the compensation payable to that partner under the subsection shall also be payable by instalments. Each instalment of compensation shall be a sum bearing to the total compensation payable the same proportion as that which the corresponding instalment of the purchase price bears to the total purchase price.

(2) The instalments of compensation shall be payable as soon as possible after the corresponding instalments of the purchase price have become payable in accordance with the agreement referred to in the said subsection and have been paid; but where any instalment of the purchase price is paid before the date fixed by the said agreement for payment the Minister may if he thinks fit pay the corresponding instalment of compensation on or as soon as possible after the date of the actual payment of the instalment of the purchase price and before the date fixed by the said agreement for the payment thereof.

Given under the official seal of the Minister of Health this thirtieth day of October, nineteen hundred and fifty.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

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

These regulations make further provision for the assessment of compensation payable to members of medical partnerships for the loss of the right to sell their practices.

They also extend the time within which claims for compensation may be made and make certain other amendments in the existing regulations.

REGIONAL HOSPITAL BOARDS

The National Health Service (Functions of Regional Hospital Boards, etc.) (Amendment) Regulations, 1950

1950 No. 1260

Made - - - -	*27th July,* 1950
Laid before Parliament	*28th July,* 1950
Coming into Operation	*1st September,* 1950

M.H. 110832.

The Minister of Health in exercise of his powers under section 12 of the National Health Service Act, 1946(a) and of all other powers enabling him in that behalf hereby makes the following regulations:—

1.—(1) These Regulations may be cited as the National Health Service (Functions of Regional Hospital Boards etc.) (Amendment) Regulations, 1950, and shall come into operation on the first day of September, 1950.

(2) The Interpretation Act, 1889(b) applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

2. The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1948(c) shall be amended as follows:—

In paragraph (5) of Regulation 5 (which provides for the exercise by Hospital Management Committees of the functions of Regional Hospital

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63. (c) S.I. 1948 (No. 60) I, p. 2201.