7. MEDICAL PRACTICES COMPENSATION

The National Health Service (Medical Practices Compensation) Amendment (Scotland) Regulations, 1949

1949 No. 1206 (S. 79)

Made - - - -	*25th June*, 1949
Laid before Parliament	*28th June*, 1949
Coming into Operation	*1st July*, 1949

In exercise of the powers conferred on me by section 37 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.—(i) These regulations may be cited as the National Health Service (Medical Practices Compensation) Amendment (Scotland) Regulations, 1949, and shall come into operation on the 1st day of July, 1949.

(ii) 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 (Medical Practices Compensation) (Scotland) Regulations, 1948(c), shall be amended by the substitution of the following paragraph for paragraph (3) of regulation 16:—

"(3) Subject to the provisions of the next succeeding paragraph of this regulation payments in respect of interest due under these regulations shall be made on the fifth day of July, 1949, and thereafter half-yearly on the fifth day of January and the fifth day of July in each year:

Provided that—

(i) any payment made under this paragraph before the amount of compensation payable in respect of a claim has been notified to the claimant or his personal representative under paragraph (3) of regulations 14 shall—

(*a*) be provisional only;

(*b*) be calculated as if the compensation were a sum equal to one and a half times the sum estimated by the Secretary of State to be the annual loss of the practice in respect of which the claim has been made; and

(*c*) be paid to the nearest pound below the amount so calculated.

(ii) The amount of interest payable for the half-year ending on the 4th January or 4th July, as the case may be, next following the notification to the claimant or his personal representative under paragraph (3) of regulation 14, of the compensation calculated under these regulations, shall be adjusted for any previous underpayment or over-payment of interest under the foregoing proviso."

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th June, 1949.

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63. (c) S.I. 1948 (No. 1768) I, p. 2441.

EXPLANATORY NOTE

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

These regulations amend the provisions of the National Health Service (Medical Practices Compensation (Scotland) Regulations, 1948, with respect to the payment of interest on compensation payable under those regulations. Until the amount of compensation has been notified to the claimant or his personal representative, payments in respect of interest are to be calculated and paid on a provisional basis, any under-payment or over-payment being subsequently adjusted.

The National Health Service (Medical Practices Compensation) Amendment No. 2 (Scotland) Regulations, 1949

1949 No. 1946 (S. 136)

Made - - - -	19*th October*, 1949
Laid before Parliament	20*th October*, 1949
Coming into Operation	21*st October*, 1949

In exercise of the powers conferred on me by section 37 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 (Medical Practices Compensation) Amendment No. 2 (Scotland) Regulations, 1949, and shall come into operation on the 21st day of October, 1949.

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

3. The National Health Service (Medical Practices Compensation) (Scotland) Regulations, 1948(**c**), as amended by the National Health Service (Medical Practices Compensation) Amendment (Scotland) Regulations, 1949(**d**), shall be amended as follows :—

At the end of regulation 13 there shall be inserted the following paragraphs :—

(2) The referee may call upon the claimant to furnish within such period as the referee may allow a concise statement of the facts and contentions upon which the claimant relies and to produce any books or documents in the claimant's custody or under his control which relate to the appeal, and the Secretary of State and, where appropriate, the Committee, shall, within a like period submit to the referee answers to the claimant's statement.

Provided that nothing in this paragraph shall empower the referee to require the claimant or any other person to make any statement or to produce any book or document which he would be entitled, on the grounds of privilege or confidentiality, to refuse to make or to produce if the appeal were a proceeding in a court of law.

(**a**) 10 & 11 Geo. 6. c. 27.
(**b**) 52 & 53 Vict. c. 63.
(**c**) S.I. 1948 (No. 1768) I, p. 2441.
(**d**) S.I. 1949 No. 1206, p. 2667 above.