2. The charges imposed by section 1 of the National Health Service Act, 1951, shall be remitted in the case of dental appliances provided at the hospitals mentioned in column 2 of the Schedule hereto, being appliances provided as part of a course of clinical dental teaching.

SCHEDULE

1. Universities	2. Hospitals
The University of London	Guy's Hospital
The University of London	King's College Hospital.
The University of Durham ...	The United Newcastle-upon-Tyne Hospitals.
The University of Leeds	The United Leeds Hospitals.
The University of Liverpool ...	The United Liverpool Hospitals.

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

(L.S.)

Iain Macleod,
Minister of Health.

EXPLANATORY NOTE

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

This order provides for the remission of charges imposed by section one of the National Health Service Act, 1951, in the case of dentures supplied as part of a course of clinical dental teaching at certain teaching hospitals.

1953 No. 1175

The National Health Service (Service Committees and Tribunal) Amendment Regulations, 1953

Made - - - -	30*th July*, 1953
Laid before Parliament	31*st July*, 1953
Coming into Operation	1*st August*, 1953

The Minister of Health, in exercise of his powers under sections 32, 33, 38, 40 and 42 of, and the Fifth Schedule to, the National Health Service Act, 1946(a), 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 (Service Committees and Tribunal) Amendment Regulations, 1953, and shall come into operation on the first day of August, 1953.

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

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.

3. The National Health Service (Service Committees and Tribunal) Regulations, 1948(a), as amended(b), shall be further amended as follows:—

(1) After paragraph (4) of regulation 3 (which provides for the constitution of service committees) there shall be added the following paragraph:—

"(4A) Where a member or deputy member of a dental service committee has been a member of a committee which in accordance with paragraph (2) of regulation 10A of these regulations have referred a complaint or matter for investigation by the dental service committee, the member or deputy member shall take no part in the hearing thereof but a deputy having the same qualifications shall act in his place."

(2) For the proviso to paragraph (*b*) of regulation 6 (which deals with the action which may be taken by a Council after receiving the report of a service committee) there shall be substituted the following proviso:—

"Provided that, in the case of a dental practitioner, the maximum amount which may be recovered in respect of expenses incurred on treatment given by another dental practitioner shall not exceed the cost of treatment so given calculated in accordance with the rate of remuneration in force for general dental services provided under the Act, and the amount so recovered may include any contribution towards the cost of the treatment which may have been paid or be payable by the patient under the National Health Service Act, 1951(c), or the National Health Service Act, 1952(d)."

(3) After regulation 10 there shall be added the following regulation:—

"10A.—(1) Notwithstanding the provisions of paragraphs (3) and (5) of regulation 4 of these regulations, the Council may, for the purpose of investigating any complaints which relate solely to the fit and efficiency of a denture provided as part of general dental services, appoint a committee (in this regulation hereinafter referred to as "the Committee"). The Committee shall consist of three members, a chairman who shall be a member of the Council, not being a dental practitioner, and two dental practitioners appointed respectively from a panel nominated for the purpose by the Local Dental Committee and a panel so nominated by the Council. Where the Committee are appointed, the Council shall also appoint a member of the Council with the same qualification as deputy chairman who shall act as chairman, if the chairman is unable to be present.

(2) Where such a committee have been appointed, any complaint made by a person against a dental practitioner or any matter referred for investigation by the Council or a committee thereof duly authorised in that behalf by the Council, or the Dental Estimates Board, which relates solely to the fit and efficiency of a denture provided by a dental practitioner for a patient shall be investigated by the Committee. If during the investigation of any such complaint or matter the Committee consider that the complaint or matter should more appropriately be investigated by the dental service committee of the Council under regulation 4 owing either to the nature of the allegations made against the practitioner or to the number of cases in which complaints have been made against him, the complaint or matter shall be referred by the Committee to the dental service committee for investigation in accordance with that regulation.

(a) S.I. 1948/507; Rev. XV, p. 674;1948 I, p. 2205. (b) S.I. 1950/983; 1950 I, p. 1324.
(c) 14 & 15 Geo. 6. c. 31. (d) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.

(3) The Committee shall not hold an inquiry unless there are three members present and shall, so far as is applicable, investigate the complaint or matter and report thereon in accordance with the procedure for dental service committees provided for in regulations 4 and 5 of, and the first schedule to, these regulations and shall, in relation to an investigation under this regulation, exercise the functions and carry out the duties therein referred to as if they were a dental service committee.

(4) The Council shall furnish the Minister and the parties to the proceedings with a copy of the report of the Committee and a statement of the Council's decision thereon which, if the Committee have made a finding that a denture is unsatisfactory, shall take one or more of the following forms:—

(*a*) That owing to the special circumstances of the case, no further action should be taken.

(*b*) That the patient should by agreement with the dental practitioner attend the practitioner for further adjustment or treatment relating to the denture.

(*c*) That where the practitioner is unwilling to provide further treatment or the patient, in the Committee's opinion, is justified in refusing to attend the practitioner for further treatment, or where the Committee consider that it is otherwise undesirable that the practitioner should provide further treatment for the patient, a recommendation should be made to the Minister that the cost of the denture (including any contribution to the cost paid by the patient) or part thereof should be withheld from the practitioner's remuneration.

(*d*) That where a recommendation is made under the last preceding sub-paragraph, the patient should attend another practitioner of his choice.

(5) If either party to an investigation under this regulation is aggrieved by the decision of the Council, he shall be entitled to appeal to the Minister against the decision by sending to the Minister notice of appeal containing a precise statement of the facts and contentions on which he intends to rely, within one month from the date on which notification of the decision was received. Provided that the Minister may, if he thinks fit, extend the time for giving such notice.

(6) The provisions of regulations 9 and 10 of these regulations shall apply to the procedure on appeals under the last preceding paragraph with such modification as the Minister, or in the case of an oral hearing the person or persons hearing the appeal, may consider necessary. Provided that an appeal against the decision of the Council to take action under sub-paragraph (*c*) of paragraph (4) of this regulation shall not be dismissed without an oral hearing unless the appellant does not desire such a hearing."

(4) In paragraph (1) of regulation 11 (which provides for the procedure on withholding money from practitioners) there shall be added after sub-paragraph (*c*) the following sub-paragraph:—

" or (*d*) after considering any report made by a Committee under regulation 10A of these regulations and the decision of the Council thereon or the report of the person or persons hearing an appeal against such decision, that a dental practitioner has failed or neglected to comply with paragraph 3 (1) of his terms of service when supplying a denture or dentures; "

and at the end of the said paragraph (1) there shall be added the following further proviso:—

"Provided further that where the case falls within sub-paragraph (*d*) of this paragraph the amount to be recovered shall not exceed the remuneration due to the practitioner in respect of the supply of the denture or dentures concerned."

(5) In sub-paragraph (5) of regulation 11 there shall be inserted after the word "practitioners" the second time it appears the following words "other than a breach of the terms of service which has been dealt with in accordance with regulation 10A of these regulations."

(6) In paragraph (3) of regulation 12 (which provides for the investigation of excessive prescribing by a medical practitioner) for the words "what is the amount of the excess cost" there shall be substituted the words "what sum is in the opinion of the Committee a reasonable estimate of the excess cost".

(7) After regulation 12 there shall be added the following regulation:—

"12A.—(1) Where it appears to the Council after an investigation of the amounts collected by medical practitioners in pursuance of regulation 6 of the National Health Service (Charges for Drugs and Appliances) Regulations, 1952(**a**), in respect of the supply of drugs and appliances but not including the appliances set out in the Schedule to those regulations, and an investigation of the amounts so collected which have been paid over by such practitioners to the Council, that there is a prima facie case for considering that a practitioner has either failed to collect the amounts which he should have collected or has failed to pay over to the Council the amounts which he has so collected in consequence of the conditions imposed upon him by the Minister by virtue of regulation 23 of the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1948(**b**), (which provides for the remuneration of practitioners for the provision of certain services including pharmaceutical services) the Council may refer the matter to the Local Medical Committee for their consideration.

(2) (*a*) Any such reference to a Committee shall be accompanied by a statement of the grounds upon which the reference is made and of the matters on which an explanation is required.

(*b*) The Committee shall furnish the practitioner concerned with a copy of the statement 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.

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

(*d*) A copy of the Council's statement referring the matter to the Committee and a copy of any further statement submitted either by the practitioner or the Council shall be forwarded to the Minister and a representative or representatives of the Minister shall be entitled, in the event of a hearing, to attend and be heard by the Committee.

(**a**) S.I. 1952/1021; 1952 II, p. 2053.
(**b**) S.I. 1948/506; Rev. XV, p. 575; 1948 I, p. 2140.

(*e*) If so required by notice in writing signed by the Chairman of the Committee the practitioner shall, for the purposes of the hearing, make available to the Committee or to any member thereof specified in the notice, all such information as will enable the Committee fully to consider the matter.

(*f*) Subject as aforesaid the procedure of the Committee relating to the investigation of a matter referred to them under this regulation shall be such as the Committee shall decide

(3) After considering the case the Local Medical Committee shall decide whether the practitioner has failed to collect or pay over to the Council such sums as he is required to collect and pay over and if so what sum in the opinion of the Committee is a reasonable estimate of the amount which he has failed to collect or pay over.

(4) Where the Local Medical Committee have decided that the practitioner has failed to collect or pay over any amount to the Council they shall inform the Council, the practitioner and the Minister of their decision, and add a statement of any considerations to which, in their opinion, the Council and the Minister should have regard in making respectively any recommendations or decision with reference to the withholding of money from the practitioner.

(5) The practitioner shall be entitled to appeal against the decision of the Local Medical Committee by sending to the Minister notice of appeal setting forth the grounds of appeal within one month from the date on which notice of the Committee's decision was received. The Minister shall appoint a person, or persons not exceeding three in number, and not being officers of the Ministry of Health, of whom at least one shall be a medical practitioner who has arranged with an Executive Council to supply drugs and medicines to his patients, who shall hear and determine the appeal.

(6) If the Minister is dissatisfied with the decision of the Local Medical Committee in any case referred to them by the Council under paragraph (1) of this regulation he may appoint a person or persons to hear and determine the matter in the manner provided for in the last preceding paragraph, and the provisions of that paragraph including those relating to the person or persons appointed shall apply accordingly.

(7) After consideration of the decision of the Local Medical Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last paragraph, after consideration of the decision of the persons or person determining the appeal or matter, the Council shall, if such decision is that there has been failure to collect or pay over an amount, make a recommendation to the Minister with regard to the withholding of money from the practitioner, and the Minister may direct the Council to withhold such sum as he thinks fit and the provisions of regulation 11 of these regulations, including the right of the practitioner to make representations to the Minister, shall apply accordingly.

(8) The Minister may further direct that, until he directs to the contrary, the payments made each quarter to the practitioner for the provision of pharmaceutical services shall be reduced by such amount as he considers appropriate in lieu of the practitioner's obligation to hand over the amounts collected by him in pursuance of regulation 6 of the National Health Service (Charges for Drugs and Appliances) Regulations, 1952."

(8) In paragraph (1) of regulation 17 (which provides for the recovery of the cost of a substance which is held not to be a drug) for the word "these" there shall be substituted the words "the General Service".

(9) In regulation 37 (which provides for the application of certain of the provisions of section 290 of the Local Government Act, 1933(a), to the inquiries therein mentioned) the words "by the Tribunal" shall be inserted after the word "held".

(10) After regulation 42 there shall be added the following regulation:—

"42A. The provisions of subsections (2), (3) and (5) of section 290 of the Local Government Act, 1933, which relate to the summoning of witnesses, the awarding of costs and other matters, shall apply to the hearing of an appeal from the Tribunal as if in sub-section (5) the word "Minister" were substituted for the word "Department".

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

(L.S.) *Iain Macleod,*
Minister of Health.

EXPLANATORY NOTE

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

These regulations amend the National Health Service (Service Committees and Tribunal) Regulations, 1948, in two main respects:—

(1) By making provisions for Executive Councils to appoint a small committee of three to deal with complaints made against dental practitioners which relate solely to the fit and suitability of a denture provided for a patient. The new procedure is less formal than the procedure before a dental service committee and is intended to provide a method of conciliation between practitioners and patients in disputes between them.

(2) By making provisions for the investigation of cases where it appears to an Executive Council that there is a prima facie case for considering that a medical practitioner has failed to collect or pay over to the Council charges for drugs and certain appliances which their patients are liable to pay in pursuance of the National Health Service (Charges for Drugs and Appliances) Regulations, 1952.

The principal regulations are further amended (inter alia) (*a*) by the provision that where a dental service committee find that there has been a breach of the terms of service by a dental practitioner, the Executive Council may decide to recover from that practitioner's remuneration and pay over to the patient any contribution paid by the patient towards the cost of the treatment in pursuance of the provisions of the National Health Service Acts of 1951 and 1952; and (*b*) by the express application of certain of the provisions of section 290 of the Local Government Act, 1933, (relating to the summoning of witnesses and the award of costs) to Appeals from the Tribunal.

(a) 23 & 24 Geo. 5. c. 51.