1956 No. 1077

The National Health Service (Service Committees and Tribunal) Regulations, 1956

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The Minister of Health, in exercise of the powers conferred on him by sections 32, 33, 38, 40, 42 and 74 of, and the Fifth and Seventh Schedules to, the National Health Service Act, 1946(**a**), as amended(**b**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service (Service Committees and Tribunal) Regulations, 1956, and shall come into operation on the first day of October, 1956.

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 12, 13 & 14 Geo. 6. c. 93.

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 Act, 1946;

"chemist" means a registered pharmaceutical chemist who provides pharmaceutical services, or an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act, 1933(a), who provides such services;

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

"dental officer" means any dental officer appointed by the Minister for a district in which general dental services are provided;

"dispensing optician" means a person, firm or company qualified as a dispensing optician in accordance with the Ophthalmic Services Regulations;

"drugs" includes, in the case of persons receiving general medical services, medicines and such chemical reagents as are for the time being prescribed;

"Drug Tariff" means the statement prepared by the Minister under regulation 27 of the General Service Regulations specifying the prices and standards of drugs and appliances to be provided under those regulations;

"enactment" includes an enactment in a regulation;

"General Dental Regulations" means the National Health Service (General Dental Services) Regulations, 1954(b);

"general medical practitioner" means a medical practitioner who has undertaken to provide general medical services;

"General Service Regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations, 1954(c);

"health centre" means premises provided by a local health authority in accordance with the provisions of section 21 of the Act;

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

"ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by the Ophthalmic Services Regulations, who has undertaken to provide supplementary ophthalmic services;

"ophthalmic optician" means a person, firm or company qualified as an ophthalmic optician in accordance with the Ophthalmic Services Regulations;

"Ophthalmic Services Committee" means a committee constituted under regulation 19 of the National Health Service (Executive Councils) Regulations, 1954(d);

"Ophthalmic Services Regulations" means the National Health Service (Supplementary Ophthalmic Services) Regulations, 1956(e);

"optician" means an ophthalmic optician or a dispensing optician as the context may require;

(a) 23 & 24 Geo. 5. c. 25.
(b) S.I. 1954/742 (1954 I, p. 1279) (as amended by S.I. 1955/604, 1890 (1955 I, pp. 1263, 1264)).
(c) S.I. 1954/669 (1954 I, p. 1315) (as amended by S.I. 1956/1076 (p. 1515 above)).
(d) S.I. 1954/224 (1954 I, p. 1270) (as amended by S.I. 1956/1075 (p. 1552 above)).
(e) S.I. 1956/1078 (p. 1524 above).

" practitioner " means a registered medical or a registered dental practitioner as the context may require ;

" service committee " means a medical pharmaceutical or dental service committee, an ophthalmic investigation committee or a joint services committee, as the context may require ;

" treatment " in relation to general medical services has the same meaning as in the General Service Regulations and in relation to general dental services has the same meaning as in the General Dental Regulations ;

" the terms of service " means the terms of service for medical practitioners contained in part I of the first schedule to the General Service Regulations, the terms of service for chemists contained in part I of the fourth schedule to the General Service Regulations, the terms of service for dental practitioners contained in parts I and II of the first schedule to the General Dental Regulations, and the terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians contained respectively in part I to III of the first schedule to the Ophthalmic Services Regulations, as the case may be ;

" the Tribunal " means the Tribunal constituted under section 42 of the Act.

(2) These regulations shall apply to a person, firm or body corporate (other than a chemist or a practitioner) providing pharmaceutical services, as they apply to a chemist.

(3) Unless the context otherwise requires, references in these regulations to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(4) References in any other regulations to the regulations revoked by these regulations or to any provision thereof shall be construed as references to these regulations or to the corresponding provision thereof, as the case may be.

(5) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

PROVISIONS RELATING TO INVESTIGATIONS, DISPUTES, APPEALS, ETC.

Constitution of service committees

3.—(1) Every Council shall establish a medical service committee, a pharmaceutical service committee, a dental service committee, an ophthalmic investigation committee and a joint services committee, and may, with the consent of the Minister, establish two or more medical service committees, pharmaceutical service committees, dental service committees and ophthalmic investigation committees.

(2) (*a*) The medical service committee shall consist of a chairman and six other persons of whom three shall be appointed by and from the lay members of the Council, and three shall be appointed by the Local Medical Committee.

(*b*) The pharmaceutical service committee shall consist of a chairman and six other persons of whom three shall be appointed by and from the lay members of the Council and three shall be appointed by the Local Pharmaceutical Committee.

(*c*) The dental service committee shall consist of a chairman and six other persons of whom three shall be appointed by and from the lay members of the Council and three shall be appointed by the Local Dental Committee.

(a) 52 & 53 Vict. c. 63.

(*d*) The ophthalmic investigation committee shall consist of a chairman and ten other persons appointed as follows:—

(I) four, of whom one shall not be a member of the ophthalmic services committee, appointed by the Council from among the members of the Council other than those appointed by the Local Medical Committee;

(II)—

(i) two ophthalmic medical practitioners,
(ii) two ophthalmic opticians, and
(iii) two dispensing opticians,

appointed respectively by such organisations as the Minister may recognise as composed of the members of the professions concerned.

Provided however that in addition to the chairman and lay members only one ophthalmic optician and one dispensing optician may take part in the investigation of a matter relating to an ophthalmic medical practitioner, only one ophthalmic medical practitioner and one dispensing optician may take part in the investigation of a matter relating to an opthalmic optician, and only one ophthalmic medical practitioner and one ophthalmic optician may take part in the investigation of a matter relating to a dispensing optician.

(*e*) The joint services committee shall consist of a chairman and eight other persons of whom two shall be appointed by and from the lay members of the Council, two shall be appointed by the medical service committee from their members or deputies who are general medical practitioners, two shall be appointed by the dental service committee from their members or deputies who are dental practitioners, and two shall be appointed by the pharmaceutical service committee from their members or deputies who are registered pharmaceutical chemists.

(*f*) Except in the case of the professional members of an ophthalmic investigation committee, a corresponding number of persons shall be appointed in the like manner to act as deputies for the members (other than the chairman) of any service committee; in the case of the professional members of an ophthalmic investigation committee, one deputy only may be so appointed by each of the professional organisations concerned; and in the absence of a member a deputy appointed in the like manner shall be entitled to act in his place.

(*g*) Where the Minister agrees in the case of any Council, an additional deputy who is not a member of the Council may, subject to the Minister's prior approval of the person proposed, be appointed by the lay members of the Council to act in the absence of a lay member of a committee or his deputy.

(*h*) When any matter stands referred under paragraphs (7) or (8) of regulation 4 of these regulations to the joint services committee, the members of that committee appointed by the medical service committee shall not take part in the hearing unless the matter involves a question relating to a general medical practitioner, the members appointed by the dental service committee shall not take part in the hearing unless the matter involves a question relating to a dental practitioner, and the members appointed by the pharmaceutical service committee shall not take part in the hearing unless the matter involves a question relating to a chemist.

(3) The following provisions shall have effect with regard to the appointment of the chairman of a service committee:—

(*a*) The chairman shall be appointed at a meeting of the members of the committee to be specially summoned for the purpose. The chairman of the Council or, if he is a member of the committee or is unable to attend,

the vice-chairman or some other member of the Council (not being a member of the committee) to be nominated by the chairman, shall preside at the meeting but shall not be entitled to vote. The appointment shall be made by a majority of the votes cast at the meeting.

(*b*) Any person shall be eligible for appointment, who is not a practitioner, a chemist, or an optician, and also, in the case of an ophthalmic investigation committee, who is not a member of the Ophthalmic Services Committee.

(*c*) If no appointment is made at the said meeting, or if within seven days after the meeting a statement signed by the lay members of the committee, or by the members appointed by the Local Medical, Pharmaceutical or Dental Committees, or by the professional members of the ophthalmic investigation committee, or by the members appointed to the joint services committee by the medical, pharmaceutical or dental service committees, is sent to the Council asserting that the chairman appointed at the meeting is not acceptable, the Council shall appoint a person to be chairman and the chairman, if any, appointed by the committee shall thereupon cease to hold office as chairman and member of the committee.

(*d*) If a chairman has been appointed by the Council and within seven days after the meeting at which the appointment is made a statement signed by the lay members of the committee or by the members appointed by the Local Medical, Pharmaceutical or Dental Committees, or by the professional members of the ophthalmic investigation committee, or by the members appointed to the joint services committee by the medical, pharmaceutical or dental service committees, is sent to the Council asserting that the chairman appointed by the Council is not acceptable, the Council shall within two months refer the appointment to the Minister, and the Minister may after consultation with the Council and the Local Medical, Pharmaceutical or Dental Committees and the professional organisations making appointments to the ophthalmic investigation committee, as the case may be, appoint a chairman in place of the existing chairman who shall thereupon cease to hold office as chairman and member of the committee.

(*e*) Any person not being a member of the Council who is appointed chairman shall be entitled to attend and take part in the proceedings of the meetings of the Council but not to vote.

(*f*) The foregoing provisions with respect to the appointment of a chairman shall apply to the appointment of a deputy chairman.

(*g*) If the person appointed as chairman or deputy chairman of a committee is already a member of the committee, he shall thereupon cease to be a member other than as chairman or deputy chairman, and a new member shall be appointed to take his place.

In this regulation the expression "lay members" in relation to the Council means members appointed by the local health authority or the Minister, in relation to a medical pharmaceutical or dental service committee means members of the committee appointed by the lay members of the Council, and in relation to an ophthalmic investigation committee means the members of the committee appointed by the Council.

(4) (*a*) Prior to the commencement of a hearing before the committee, the chairman shall ask the members thereof whether any of them is interested in a question referred to them either directly or through association with a party concerned. If in the opinion of the chairman any member is so interested, that member shall take no part in the hearing of the question but a deputy appointed in the like manner may act in his place.

(*b*) Where a member or deputy member of a dental service committee has been a member of a denture conciliation committee who in accordance with paragraph (2) of regulation 10 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 appointed in the like manner may act in his place.

(5) (*a*) The chairman shall have a casting vote in the case of an equality of votes, but otherwise he shall not be entitled to vote.

(*b*) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and if the chairman is present the deputy chairman shall be entitled to attend, but shall take no part in, the proceedings of the committee.

(6) The Council may make standing orders with respect to the term of office of the chairman, deputy chairman, members and deputy members of the committee:

Provided that the term of office of the chairman shall not exceed one year unless he is re-appointed.

Investigations by service committees

4.—(1) Subject as hereinafter provided, any complaint made against a general medical practitioner in respect of an alleged failure to comply with the terms of service shall be investigated by the medical service committee, any complaint made against a chemist in respect of an alleged failure to comply with the terms of service shall be investigated by the pharmaceutical service committee, any complaint made against a dental practitioner in respect of an alleged failure to comply with the terms of service shall be investigated by the dental service committee, and any complaint made against an ophthalmic medical practitioner or optician in respect of an alleged failure to comply with the terms of service shall be investigated by the ophthalmic investigation committee, where in the opinion of the chairman of the appropriate service committee the complaint is made:—

(*a*) by a person (hereinafter referred to as "such a person") who was, or claimed to be, entitled to the provision of general medical, dental, pharmaceutical or supplementary ophthalmic services by the practitioner, chemist or optician concerned and the complaint relates to an alleged failure to comply with the terms of service in relation to the complainant, or

(*b*) by the spouse of, or with the authority of, such a person, or on behalf of such a person who is incapable by reason of old age, sickness or other infirmity, of making a complaint, or is under the age of eighteen, and in each case the complaint relates to an alleged failure to comply with the terms of service in relation to the spouse of the complainant or the person authorising the complaint, or the person who is incapable or under the age of eighteen, as the case may be, or

(*c*) in relation to such a person who is deceased, or

(*d*) by the Minister of Pensions and National Insurance or the Dental Estimates Board:

Provided that where after the beginning of the hearing of a complaint before a service committee, or at any time thereafter, it appears that the complaint was not made as aforesaid it shall be deemed to have been properly referred to the committee for investigation under the provisions of paragraph (5) of this regulation.

(2) Where a complaint is made against a general medical practitioner in respect of the acts and omissions of a deputy whose name is also included

in the medical list, the complaint shall be deemed to have been made against both practitioners.

(3) Where a complaint is made against a general medical practitioner whose name is included in the medical list, in respect of his acts or omissions whilst acting as deputy to a practitioner whose name is also included in the list, the complaint shall be deemed to have been made against both practitioners.

(4) (*a*) The person desiring to make a complaint under this regulation against a general or an ophthalmic medical practitioner, a chemist or an optician, shall within six weeks after the event which gave rise to the complaint give written notice to the clerk of the Council stating the substance of the matter which it is desired to have investigated.

(*b*) The person desiring to make a complaint under this regulation against a dental practitioner shall within six months after completion of the treatment or within six weeks after the matter which gave rise to the complaint came to the complainant's notice, whichever is the sooner, give written notice to the clerk of the Council stating the substance of the matter which it is desired to have investigated.

(*c*) Notwithstanding failure to give notice within the periods specified in the two preceding sub-paragraphs, the committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and—

(i) in the case of a complaint against a general or an ophthalmic medical practitioner, chemist or optician the complaint is made within two months after the said event, or

(ii) in the case of a complaint against a dental practitioner the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainant's notice, whichever is the sooner, or

(iii) the practitioner, chemist or optician, as the case may be, consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iv) the Minister's consent to the investigation has been obtained. In applying for such consent the committee shall furnish the Minister and the practitioner, chemist or optician, with a copy of the said notice, a statement of the reasons for the failure to give notice in time and any further information which the Minister may require, and the practitioner, chemist or optician shall be entitled within seven days after the receipt by him of such statement or further information to forward to the Minister a statement of the grounds on which he contends that the investigation should not take place.

(5) (*a*) Subject as hereinafter provided, the medical service committee in relation to general medical practitioners, the pharmaceutical service committee in relation to chemists, the dental service committee in relation to dental practitioners and the ophthalmic investigation committee in relation to ophthalmic medical practitioners and opticians, shall investigate any matters referred to them by the Council, or any committee of the Council duly authorised in that behalf by the Council, or the Dental Estimates Board, relating to the administration of general medical, pharmaceutical, general dental or supplementary ophthalmic services, whether or not any such matter has been raised on complaint under the foregoing provisions of this regulation:

Provided that no question which involves an allegation against a practitioner or optician of a breach of the terms of service shall, without the consent of the Minister, or of the practitioner or optician concerned, be

referred for investigation under this paragraph except, in the case of a general or an ophthalmic medical practitioner or optician, within six weeks after the event which gave rise to the allegation, or in the case of a dental practitioner within six months after completion of the treatment or within six weeks after the matter which gave rise to the allegation came to the notice of the referring body, whichever is the sooner; and such consent shall also be required where the Council desire to refer a matter which came to the notice of the Dental Estimates Board earlier than six weeks from the date on which they informed the Council of it. The provisions of sub-paragraph (*c*) (iv) of paragraph (4) of this regulation with reference to the procedure to be adopted on application for the Minister's consent shall *mutatis mutandis* apply to any application for his consent under this paragraph.

(*b*) Where the Council, prior to a possible reference of any matter under the preceding sub-paragraph to the appropriate service committee, request their clerk to seek the comments of the practitioner, chemist or optician concerned, the clerk shall inform him of any alleged breach of the terms of service or of the reason for requesting the comments and, unless the Council decide to the contrary, of the source of the information before them concerning the matter.

(6) The pharmaceutical service committee shall perform such duties in connection with the testing of drugs and appliances as may be imposed on them by the scheme made for that purpose under regulation 26 of the General Service Regulations.

(7) If in the opinion of the medical service committee any matter referred to that committee involves a question relating to a dental practitioner or a chemist, or if in the opinion of the dental service committee any matter referred to that committee involves a question relating to a general medical practitioner or a chemist, or if in the opinion of the pharmaceutical service committee any matter referred to that committee involves a question relating to a general medical or a dental practitioner, the committee shall, in lieu of dealing with the matter themselves, refer it to the joint services committee.

(8) Any matter which would otherwise be referred by the Council or any committee duly authorised in that behalf by the Council to the medical service committee, the pharmaceutical service committee or the dental service committee for investigation may, if the Council or committee are satisfied that it is appropriate to the joint services committee, be referred by them to that committee.

Procedure of service committees

5.—(1) A service committee shall in the event of a hearing permit a party to an investigation to be assisted in the presentation of his case by some other person:

Provided that no person shall be entitled in the capacity of counsel, solicitor or other paid advocate to conduct the case for any party by addressing the committee or examining or cross-examining witnesses.

(2) The proceedings at the hearing before the committee shall be private and no person shall be admitted to those proceedings except—

(*a*) the parties to the investigation and the persons, if any, permitted to appear for the purpose of assisting them;

(*b*) the secretary or other duly authorised officer or member of the Local Medical, Pharmaceutical, Dental or Optical Committee, whichever is concerned;

(*c*) persons whose attendance is required for the purpose of giving evidence and who shall, unless the committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and

(*d*) such officers of the Council as they may appoint for the purpose.

(3) The first schedule to these regulations shall apply with respect to the investigation of complaints and the procedure of the committee.

(4) The committee shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences, whether of a breach of the terms of service or otherwise, which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken, and shall present the report to the Council, and the Council shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Council the committee may in cases where they infer a breach of the terms of service draw the attention of the Council to any previous reports based on a finding of a breach of the terms of service made by that committee in connection with the practitioner, chemist or optician and to any action taken by the Minister on such reports and may recommend that account should be taken thereof by the Council in reaching their decision.

Action by the Council

6. The Council shall furnish the Minister with a copy of the report of the service committee and a statement of the Council's decision thereon, which may include action in any one or more of the following ways :—

(*a*) If the investigation relates to the conduct of a general medical practitioner and the Council are satisfied, after consultation with the Local Medical Committee, that owing to the number of persons included in his list the practitioner is unable to give adequate treatment to all those persons, they may impose a special limit on the number of persons for whom the practitioner may undertake to provide treatment, and in that event any number in excess of that limit shall be dealt with as though the list of the practitioner was by that number in excess of the general limit fixed for the list of practitioners in the area.

(*b*) The Council may recover: —

(i) from a general or an ophthalmic medical practitioner, chemist or optician as the case may be, by a deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the appropriate service committee) which have been reasonably and necessarily incurred by any person owing to the failure of the practitioner, chemist or optician to comply with the terms of service, and any sum so recovered shall be paid to that person.

(ii) from a dental practitioner, by a deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the appropriate service committee) reasonably and necessarily incurred or to be incurred by any person owing to the failure of the practitioner to comply with his terms of service, and any sum so recovered shall be paid to that person:

Provided that the maximum amount which may be recovered in respect of expenses incurred or to be 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(a) or the National Health Service Act, 1952(b).

(a) 14 & 15 Geo. 6. c. 31. (b) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25.

(*c*) The Council may recommend to the Minister that, owing to the failure of the practitioner, chemist or optician to comply with the terms of service, an amount should be withheld from his remuneration.

(*d*) If the Council are of the opinion that the continued inclusion of the general medical practitioner on the medical list or of the chemist on the pharmaceutical list or of the dental practitioner on the dental list or of the ophthalmic medical practitioner or optician on the ophthalmic list, would be prejudicial to the efficiency of the services in question, they may make representations to that effect to the Tribunal.

(*e*) In the case of a dental practitioner the Council may until further notice require the practitioner, in respect of any treatment other than an examination or emergency treatment, to submit for prior approval to the Dental Estimates Board estimates in respect thereof.

Appeal to Minister from decision of Council

7.—(1) The Council shall furnish the parties to an investigation with a copy of the service committee's report and of their decision (including a decision following a report by a service committee under rule 1 (1) (*a*) in the first schedule to these regulations that there is no *prima facie* ground of complaint or that a complaint is frivolous or vexatious) and shall inform them of their right of appeal to the Minister against any decision other than a decision to take action under paragraph (*d*) of the last preceding regulation and of the Minister's power on such an appeal to award costs. The Council shall also inform a practitioner, chemist or optician of his right to make representations to the Minister, in lieu of an appeal but within the same time limits, against their decision under paragraph (*c*) of the last preceding regulation to recommend that a specified amount should be withheld from his remuneration.

(2) Subject to the next following regulation any party to an investigation shall be entitled to appeal to the Minister against any decision of the Council by sending to the Minister notice of appeal within one month from the date on which notification of the decision was received.

(3) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

Representation by Council to Tribunal

8. No appeal shall lie against a decision of a Council to make representations with regard to the continued inclusion in any list of the name of any practitioner, chemist or optician, and if a Council decide to make such representations and an appeal to the Minister is made against their decision on other matters, the Minister may treat as conclusive for the purpose of the appeal any relevant finding of fact of the Tribunal.

Procedure on appeal

9.—(1) If the Minister, after considering the notice of appeal and any further particulars furnished by the appellant, is of opinion that the said notice and particulars disclose no reasonable grounds of appeal or that the appeal is otherwise vexatious or frivolous, he may dismiss the appeal forthwith:

Provided that an appeal by a practitioner, chemist or optician against a decision of the Council to take action under paragraphs (*a*), (*b*), (*c*) or (*e*) of regulation 6 of these regulations shall not be dismissed without an oral hearing unless the appellant does not desire such a hearing.

(2) The Minister shall, unless he dismisses the appeal for the aforementioned ground, send a copy of the notice of appeal and of any further particulars furnished by the appellant to the Council and to the person or persons, if any, who were parties to the proceedings before the service committee or who appear to him to be interested in the appeal.

(3) Subject to the proviso to paragraph (1) of this regulation, the Minister may, if he is of opinion that the case is of such a nature that it can properly be determined without an oral hearing, dispense with an oral hearing and determine the appeal summarily.

(4) (*a*) In the event of an oral hearing, the Council or any person who has received notice of appeal may appear and take such part in the proceedings as the persons holding the inquiry think proper.

(*b*) In the event of an oral hearing the proceedings shall be held *in camera.*

(5) For the purpose of an oral hearing the Minister may appoint an officer or officers of the Ministry of Health or some other person or persons, not exceeding three in number, to hold an inquiry and to draw up a report. The Minister, after taking such report into consideration, shall give his decision, which shall be final and conclusive:

Provided that—

(*a*) where one of the parties to an appeal is a general medical practitioner or a dental practitioner the persons appointed to hear the appeal shall include a medical practitioner or a dental practitioner, as the case may be, selected by the Minister from the panels of medical and dental practitioners referred to in regulation 11 of these regulations.

(*b*) where one of the parties to an appeal is a chemist, an ophthalmic medical practitioner or an optician, the persons appointed to hear the appeal shall include a member of the same branch of the service as that party.

(6) (*a*) A party to an appeal when an oral hearing takes place shall be entitled to appear and be heard in person, or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family, or by any friend.

(*b*) A Council or other body being a party to any appeal shall be entitled to appear by a member or by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(7) A party to an appeal shall not, except with the consent of the Minister or, in the case of an oral hearing, of the person or persons holding the inquiry, be entitled to rely upon any facts or contentions which do not appear to the Minister or to the person or persons holding the inquiry to have been raised before the committee in the course of the proceedings in respect of which the appeal is brought:

Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the Minister or to the person or persons holding the inquiry of any new facts or contentions upon which the party intends to rely.

(8) The Council may, with the consent of the Minister, make such contribution as they think fit, and if directed by the Minister shall make such contribution as he may determine towards the costs of the appeal incurred by the complainant or by the practitioner, chemist or optician.

(9) The provisions of sub-sections (2), (3) and (5) of section 290 of the Local Government Act, 1933(**a**), which relate to the summoning of witnesses, the awarding of costs and other matters, shall apply to any inquiry held under this regulation as if in sub-section (5) the word "Minister" were substituted for the word "Department".

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

Denture conciliation committees

10.—(1) Notwithstanding the provisions of paragraphs (1) and (5) (*a*) 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, establish a committee, to be called the denture conciliation committee (in this regulation hereinafter referred to as " the Committee "). The Committee shall consist of 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. The Council when appointing the Committee shall also appoint a member of the Council not being a dental practitioner as deputy chairman who shall act as chairman, if the chairman is unable to be present.

The provisions of paragraphs (4) (*a*) and (6) of regulation 3 of these regulations shall apply for the purposes of this regulation, with the necessary modifications.

(2) Where the Committee have been established, any complaint made 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 the said 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.

(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 the practitioner has failed to secure the dental fitness of the patient, 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, and that the amount so recovered, or part thereof, should be repaid to the patient, in respect

of expenses incurred or to be incurred by him in obtaining dentures from another practitioner.

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

(5) Either party to an investigation under this regulation shall be entitled to appeal to the Minister against the decision of the Council 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.

(6) The provisions of regulation 9 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 holding the inquiry, may consider necessary:

Provided that an appeal by a practitioner 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.

Procedure on withholding money

11.—(1) If the Minister is satisfied:—

(*a*) after considering any report made by a service committee under paragraph (4) of regulation 5 of these regulations and the decision of the Council thereon to the effect that there has been a breach of the terms of service or the report of the person or persons holding an inquiry under paragraph (5) of regulation 9 of these regulations or any report of the Tribunal after an inquiry under part III of these regulations, that such practitioner, chemist or optician has failed or neglected to comply with the terms of service applicable to him, or

(*b*) after considering the report of a Local Medical Committee to whom a matter has been referred for consideration under regulation 14 of these regulations or of any person or persons determining any matter under that regulation to the effect that a general medical practitioner has failed or neglected to comply with sub-paragraphs (13) and (14) of paragraph 7 of the terms of service applicable to him, that such practitioner has failed or neglected to comply with the said sub-paragraphs, or

(*c*) after considering the report of a Local Dental Committee to whom a matter has been referred for consideration under regulation 14 of these regulations or of any person or persons determining any matter under that regulation to the effect that any dental practitioner practising elsewhere than at a health centre has failed or neglected to comply with paragraph 5 of the terms of service applicable to him, that such practitioner has failed or neglected to comply with the said paragraph, or

(*d*) after considering any report made by a denture conciliation committee under regulation 10 of these regulations and the decision of the Council thereon to the effect 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 or the report of the person or persons holding an inquiry under the provisions of the said regulation 10, that such practitioner has so failed or neglected to comply with the said paragraph,

he may, subject as hereinafter provided, direct the Council to recover such amount as he thinks fit either by deduction from the remuneration of the practitioner, chemist or optician or otherwise, and such sum shall be a debt owing by the practitioner, chemist or optician to the Council:

Provided that where the case falls within sub-paragraph (*d*) of this paragraph the amount to be recovered shall not exceed the cost of the denture or dentures concerned, including any contribution to the cost paid by the patient.

(2) (*a*) Except in cases in which the facts have already been the subject of an oral hearing in the course of an appeal made to him, the Minister shall, before directing that any such amount shall be withheld, afford the practitioner, chemist or optician a reasonable opportunity of making representations to him on the matter:

Provided, however, that the right to make representations against a decision of a Council under regulation 6 (*c*) of these regulations in respect of an amount specified by them shall, unless the Minister informs the practitioner, chemist or optician that he proposes to direct the deduction of a larger amount, be exercisable only within the same time limits as, and in lieu of, an appeal.

(*b*) If the practitioner, chemist or optician desires to make representations orally, the Minister shall appoint a person or persons to hear the representations. The Council and the Local Medical, Pharmaceutical, Dental or Optical Committee, as the case may be, shall be entitled to be represented at such hearing and to take such part in the proceedings as the persons appointed to hear the representations may think proper. The persons appointed to hear the representations of a general medical practitioner or a dental practitioner shall include a practitioner selected for the purpose by the Minister from the panel of medical or dental practitioners, as the case may be, hereinafter referred to in this regulation. The persons appointed to hear the representations of a chemist, an ophthalmic medical practitioner or an optician shall include a person belonging to the same branch of the service as the person making the representations.

(3) (*a*) An advisory committee (hereinafter referred to as "the medical advisory committee") shall be constituted for the purpose of assisting the Minister in the discharge of his duties under this regulation in relation to general medical practitioners. Before directing the Council to withhold money in respect of a breach of the terms of service applicable to general medical practitioners the Minister shall, where such breach is of a kind specified in the following sub-paragraph, and in any other case may, refer the case to such committee and consider any report which they may make to him thereon.

(*b*) Breaches of the terms of service to which the last preceding sub-paragraph of this regulation relates are failure to exercise reasonable skill and care in the treatment of a patient, failure to visit or treat a patient whose condition so requires, failure to order or supply any necessary drugs or appliances for the use of a patient or failure to discharge the obligations imposed on a general medical practitioner to give a patient the requisite assistance to enable him to obtain any treatment which is not within the scope of the practitioner's obligations under the terms of service.

(4) The medical advisory committee shall consist of the Chief Medical Officer of the Ministry of Health or his deputy and of two other medical practitioners in the service of the Ministry of Health, and of three medical practitioners appointed by the Minister so far as may be in rotation from a panel of practitioners who are, or have been, practitioners engaged in the provision of general medical services nominated by a body which is, in the Minister's opinion, representative of practitioners engaged in the provision of general medical services. The Chief Medical Officer, or in his absence his deputy, shall act as chairman, and the chairman together with one medical practitioner in the service of the Ministry and two practitioners appointed from the said panel shall form a quorum.

(5) An advisory committee (hereinafter referred to as "the dental advisory committee") shall be constituted for the purpose of assisting the Minister in the discharge of his duties under this regulation in relation to dental practitioners. Before directing the Council to withhold money in respect of a breach of the terms of service applicable to dental practitioners other than a breach of the terms of service which has been dealt with in accordance with regulation 10 of these regulations, the Minister shall, where such breach consists of failure to complete satisfactorily dental treatment, or failure to exercise reasonable care and skill, and in any other case may, refer the case to such committee and consider any report which they may make to him thereon.

(6) The dental advisory committee shall consist of the Principal Dental Officer of the Ministry of Health or his deputy and of two other dental practitioners in the service of the Ministry of Health, and of three dental practitioners appointed by the Minister so far as may be in rotation from a panel of dental practitioners who are, or have been, engaged in the provision of general dental services nominated for the purpose by a body which is, in the Minister's opinion, representative of the dental profession. The Principal Dental Officer, or in his absence his deputy, shall act as chairman, and the chairman together with one dental practitioner in the service of the Ministry and two practitioners appointed from the said panel shall form a quorum.

Investigation of excessive prescribing by general medical practitioners

12.—(1) Where it appears to the Minister after an investigation of the orders for drugs and appliances given by a general medical practitioner to persons on his list and of the accounts furnished by the practitioner for drugs and appliances supplied to those persons that there is a *prima facie* case for considering that by reason of the character or quantity of the drugs or appliances so ordered or supplied the cost is in excess of what was reasonably necessary for the proper treatment of those persons, the Minister may refer the matter to the Local Medical Committee for their consideration.

(2) Where a case has been referred to the Committee under the preceding paragraph, the Committee shall furnish the practitioner concerned with a statement indicating the matters on which an explanation is required 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, 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.

(3) After considering the case the Committee shall decide whether any cost has been incurred in excess of what was reasonably necessary by reason of the character or quantity of the drugs or appliances ordered or supplied by the practitioner as aforesaid and, if so, what sum is in the opinion of the Committee a reasonable estimate of the excess cost.

(4) Where the Committee have decided that excessive cost has been so incurred by reason of the drugs or appliances ordered or supplied by the practitioner, they shall inform the Council, the practitioner and the Minister of their decision and may add a statement of any considerations to which in their opinion the Council and the Minister should have regard in making any recommendation 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 Committee by sending to the Minister notice of appeal within one month from the date on which notice of the Committee's decision was received. The Minister shall appoint as referee or referees a person or persons (not exceeding three in number and not being an officer or officers of the Ministry of Health) of whom at least one shall be a general medical practitioner, who

shall hear and determine the appeal. They shall have power to determine the appeal by a majority.

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

(7) After consideration of the decision of the Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last foregoing paragraph, after consideration of the decision of the person or persons determining the appeal or matter, the Council shall, if such decision is that excessive cost has been incurred, 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.

Investigation of certification

13.—(1) Where it appears to the Minister, after an investigation of the medical certificates issued under and for the purposes of the National Insurance Acts, 1946 to 1956(**a**), and of the National Insurance (Industrial Injuries) Acts, 1946 to 1954(**b**), by a general medical practitioner to persons for whose treatment he is responsible under the terms of service applicable to him, that there is a *prima facie* case for considering that the practitioner has failed to exercise reasonable care in the issue of such certificates, the Minister may refer the matter for consideration to the Local Medical Committee or to a joint committee of two or more Local Medical Committees constituted in such manner as he may approve and any reference in this regulation to the Committee shall be construed as including any such joint committee.

(2) Any reference to the Committee under the last preceding paragraph shall be accompanied by a statement indicating the matters on which it appears to the Minister that an explanation is required.

(3) (*a*) The Committee shall furnish the practitioner concerned with a copy of the said statement and shall afford him reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(*b*) A copy of any such statement by the practitioner shall be forwarded to the Minister by the Committee for his observations 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.

(4) (*a*) After considering the case the Committee shall draw up a report of their findings on the question whether there has been a failure on the part of the practitioner to exercise reasonable care in certification, and, if so, what is the extent and gravity of the failure, together with a recommendation as to the action, if any, which should be taken by the Minister.

(*b*) The Committee shall forward the report to the Minister and shall furnish the practitioner with a copy of the report.

(5) (*a*) The practitioner shall be entitled to appeal against any findings of the Committee contained in the report by sending to the Minister notice of appeal within one month from the date on which a copy of the report was received by him and the provisions of paragraph (5) of regulation 12 of

(**a**) *See* 4 & 5 Eliz. 2. c. 47. s. 4. (**b**) *See* 3 & 4 Eliz. 2. c. 1. s. 10.

these regulations relating to the determination of appeals shall apply accordingly.

(*b*) If the Minister is dissatisfied with any findings of the Committee he may appoint a person or persons to hear and determine the matter in the manner provided in paragraph (5) of the said regulation 12 and the provisions of that paragraph including those relating to the person or persons to be appointed shall apply accordingly.

(6) After consideration of the findings and recommendation of the Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last preceding paragraph, after consideration of the findings of the person or persons determining the appeal or matter, the Minister may, if he is satisfied that there has been a failure on the part of the practitioner to exercise reasonable care in certification, direct the Council to withhold such amount as he thinks fit from the remuneration of the practitioner, and the provisions of regulation 11 of these regulations, including the practitioner's right to make representations to the Minister, shall apply accordingly.

Investigation of record keeping

14.—(1) Where it appears to the Minister, after an examination by the medical officer or the dental officer of any record cards held by a general medical practitioner, or a dental practitioner practising elsewhere than at a health centre, that there is a *prima facie* case for considering that the general medical practitioner has failed to carry out his obligations under sub-paragraph (13) of paragraph 7 of the terms of service, so far as such obligations involve the recording of clinical data regarding his patients, or that the dental practitioner has failed to carry out his obligations under paragraph 5 of the terms of service, the Minister may refer the matter for consideration to the Local Medical or Dental Committee, whichever is appropriate.

(2) Any such reference to the Committee shall be accompanied by a statement of the grounds for considering that such obligations have not been fulfilled.

(3) (*a*) The Committee shall furnish the practitioner concerned with a copy of the said statement and shall afford him reasonable opportunity of submitting to them a statement in writing and of appearing before and being heard by them.

(*b*) A copy of any such statement by the practitioner shall be forwarded to the Minister by the Committee for his observations 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.

(4) If so required by notice in writing signed by the chairman of the Committee, the practitioner shall—

(*a*) produce at the hearing all record cards held by him or such of the record cards as may be specified in the notice;

(*b*) give in the case of a general medical practitioner to any members of the Committee specified in the notice or in the case of a dental practitioner to the dental officer, access at all reasonable times to the practitioner's surgery or other place where the record cards are kept, for the purpose of inspection of such record cards and furnish such persons with any such record cards and with any necessary information with regard thereto as they may require.

(5) After considering the case the Committee shall report to the Minister whether there has been a failure on the part of the practitioner to carry out his said obligations and, if so, the extent and gravity of such failure and shall make a recommendation as to the action, if any, which should be taken

by the Minister. A copy of such report shall be forwarded by the Committee to the practitioner.

(6) (*a*) The practitioner shall be entitled to appeal against any findings of the Committee contained in the report by sending to the Minister notice of appeal within one month from the date on which a copy of the report was received by him and the provisions of paragraph (5) of regulation 12 of these regulations relating to the determination of appeals shall apply accordingly :

Provided that if the appellant is a dental practitioner, a reference to a dental practitioner shall be substituted for the reference to a general medical practitioner.

(*b*) If the Minister is dissatisfied with the findings of the Committee he may appoint a person or persons to hear and determine the matter in the manner provided in paragraph (5) of regulation 12 of these regulations as modified by the preceding sub-paragraph, and those provisions, including those relating to the person or persons to be appointed, shall apply accordingly.

(7) In this regulation " record cards " means

(*a*) in the case of a general medical practitioner, the cards on which he is required to keep records of the illnesses of his patients and of his treatment of them under sub-paragraph (13) of paragraph 7 of the terms of service, and

(*b*) in the case of a dental practitioner, the records which under paragraph 5 of the terms of service he is required to keep of the clinical conditions present in the mouth of the person for whom he is providing general dental services and of the treatment provided by him.

Decisions as to treatment for which fees may be charged by general medical practitioners

15.—(1) If any question arises, either in the course of an investigation by the medical service committee or otherwise, as to whether any treatment given by a general medical practitioner to a patient is treatment for which he may demand or accept a fee from that patient (unless it arises in relation to sub-paragraph (1) (*a*) or (*e*) of paragraph 10 of the terms of service or is whether a certificate is reasonably required by the patient under or for the purposes of any enactment), the question shall be referred for determination to the Local Medical Committee. If the Committee and the Council disagree, the matter shall be submitted to referees appointed under these regulations for decision in accordance with the rules set out in the second schedule to these regulations ; and the decision of the referees, given after hearing such parties and taking such evidence as they think proper, shall be final.

(2) For the purpose of giving effect to this regulation the Minister shall upon any such disagreement arising appoint as referees two medical practitioners not being officers of the Ministry of Health (who shall be selected from any panel of practitioners set up by the Minister for the purpose or, if no such panel exists, from among practitioners in actual practice) and one barrister-at-law or solicitor in actual practice.

(3) The referees may decide any question coming before them by a majority but, subject as aforesaid, their procedure shall be such as they may from time to time determine.

(4) If on any question referred to the Committee under this regulation the Committee and the Council are agreed, the Council shall report the matter to the Minister and he may, if he thinks fit, refer the question for decision to referees in the manner provided in this regulation and the foregoing provisions of this regulation shall apply accordingly.

Determination of question whether a substance was a drug and recovery of cost

16.—(1) Any question whether a substance supplied by a general medical practitioner or by a chemist on the prescription of a general medical practitioner was a drug forming part of pharmaceutical services provided under the Act, shall, if the practitioner concerned so desires in accordance with paragraph (6) of this regulation, and may, in any other case in which the Council or the Minister think fit, be referred to the local Medical Committee (in this regulation hereinafter referred to as "the Committee") and the Council or the Minister, as the case may be, shall inform the Local Pharmaceutical Committee that the question has been so referred.

(2) The Committee shall furnish the practitioner concerned with a statement indicating the nature of the question referred to them under this regulation 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.

The Committee shall further consider any representations made to them by the Council or the Minister and, if the practitioner appears before and is heard by them, shall afford an opportunity to representatives of the Council and of the Minister of appearing before and being heard by them.

(3) The Committee shall inform the practitioner, the Council and the Minister of the finding at which they have arrived on the question referred to them.

(4) If the practitioner or the Council are dissatisfied with the finding of the Committee and give notice of appeal to the Minister within one month from the date on which the notice of the finding was received, the question shall be referred for decision to a referee or referees appointed by the Minister under this regulation and if the Minister is dissatisfied with the finding of the Committee he may, if he thinks fit, also refer the question for decision to a referee or referees so appointed.

(5) For the purpose of obtaining a decision under paragraph (4) of this regulation the Minister shall appoint as referee or referees a person or persons (not exceeding three in number and not being an officer or officers of the Ministry of Health) of whom at least one shall be a general medical practitioner. The referees may decide any question coming before them by a majority, but, subject as aforesaid, their procedure shall be such as they may determine.

(6) If it appears to the Council that any substance supplied to a person under the General Service Regulations was not a drug forming part of pharmaceutical services provided under the Act, the Council shall recover from the practitioner, by deduction from his remuneration or otherwise, an amount calculated in the manner provided in paragraph (7) of this regulation:

Provided that before recovering any such amount the Council shall, unless it has already been decided in accordance with the foregoing provisions of this regulation that the substance supplied in that case was not such a drug, bring the question to the practitioner's notice in writing and inquire whether he desires it to be referred for decision under those provisions; and if the practitioner within one week after the receipt of such notice informs the Council that he desires the question to be so referred, the Council shall refer it to the Committee and the foregoing provisions of this regulation shall apply accordingly.

(7) For the purpose of paragraph (6) of this regulation the amount to be recovered in respect of the supply of any substance shall be a sum calculated in the manner set forth in the Drug Tariff:

Provided that if any substance which was not a drug was an ingredient in a preparation of which other ingredients were drugs, the amount to be recovered shall be the price of that substance calculated in the manner set forth in the Drug Tariff, together with half the amount of the dispensing fee payable in respect of the supply of the preparation.

Investigation of collection of drug charges

17.—(1) Where it appears to the Council after an investigation of the amounts collected by general medical practitioners in pursuance of regulation 30 of the General Service Regulations, in respect of the supply of drugs and appliances but not including the appliances set out in the sixth 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 General Service Regulations, the Council may refer the matter to the Local Medical Committee for their consideration.

(2) (*a*) Any such reference to the 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 event 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.

(*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 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 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 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 as referee or referees a person or persons not exceeding three in number, and not being an officer or officers of the Ministry of Health, of whom at least one shall be a general medical practitioner who has arranged with a Council to supply drugs and appliances to his patients, who shall hear and determine the appeal. They shall have power to determine the appeal by a majority.

(6) If the Minister is dissatisfied with the decision of the 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 Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last preceding paragraph, after consideration of the decision of the person or persons 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 30 of the General Service Regulations.

Appeals from Dental Estimates Board

18.—(1) Any person aggrieved by a decision of the Dental Estimates Board concerning the treatment of a patient or the fees payable to a practitioner shall be entitled to appeal by sending to the Minister a notice of appeal within one month from the date on which notice of the decision of the Board was received by that person:

Provided that where in the opinion of the Minister no dispute arises as to the category of the treatment for the purposes of the fifth schedule to the General Dental Regulations, no appeal shall lie against a decision of the Board refusing a request from a practitioner for a fee higher than the fee, or maximum fee, prescribed by the said schedule in respect of that treatment.

(2) The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely:

Provided, however, that where an appeal is heard by referees under the provisions of paragraph (4) hereof, the appellant may rely upon facts and contentions not contained in the statement submitted by him.

(3) Where in the opinion of the Minister the appeal is against a refusal of the Board to approve an estimate for treatment or appliances provided or to be provided for a person on the ground that such services are not of a type that can be supplied as part of general dental services, the appeal shall be determined by the Minister in such manner as he shall think fit.

(4) In other cases the Minister shall appoint as referees two dental practitioners, of whom one shall be selected from a panel of dental practitioners who are or have been engaged in the provision of general dental services nominated for that purpose by a body which is, in the Minister's opinion, representative of the dental profession. The referees shall hear the representations of the appellant and the Board and determine the appeal in accordance with any relevant provisions of these and the General Dental Regulations including any provisions prescribing maximum fees.

Investigation of excessive dental treatment

19.—(1) Where it appears to the Minister after an investigation of a number of the dental estimate forms submitted by a dental practitioner to the Dental Estimates Board that, by reason of the character and volume of the treatment (not being treatment specified in column B of the second schedule to the General Dental Regulations) for which the practitioner has claimed payment, there is a *prima facie* case for considering that the practitioner has regularly provided treatment in excess of what was reasonably necessary to secure the dental fitness of the persons concerned, and that the cost incurred by the Council is in excess of what was reasonably necessary to secure the proper treatment of those persons, the Minister may refer the matter for consideration to the Local Dental Committee or to a joint committee of two or more Local Dental Committees constituted in such manner as he may approve, and any reference in this regulation to the Committee shall be construed as including any such joint committee.

(2) Where a case has been referred to the Committee under the preceding paragraph, the Committee shall furnish the practitioner concerned with a statement indicating the matters on which an explanation is required 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, 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.

(3) After considering the case the Committee shall decide whether the practitioner has regularly provided treatment in excess of what in their opinion was reasonably necessary to secure the dental fitness of the persons concerned, and whether a cost has been incurred by the Council in excess of what was reasonably necessary and, where they so decide, they shall inform the Council, the practitioner and the Minister of their decision and may add a statement of any considerations to which in their opinion the Council and the Minister should have regard in making any recommendation or decision that the practitioner should for a specified period, in respect of any treatment other than an examination or emergency treatment, submit for prior approval to the Board estimates in respect thereof.

(4) The practitioner shall be entitled to appeal against the decision of the Committee by sending to the Minister notice of appeal within one month from the date on which notice of the Committee's decision was received. The Minister shall appoint as referee or referees a person or persons (not exceeding three in number and not being an officer or officers of the Ministry of Health) of whom at least one shall be a dental practitioner, who shall hear and determine the appeal. They shall have power to determine the appeal by a majority.

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

(6) After consideration of the decision of the Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last foregoing paragraph, after consideration of the decision of the person or persons determining the appeal or matter, the Council shall, if such decision is that the practitioner has regularly provided treatment in excess of what was reasonably necessary and that a cost has been incurred by the Council in excess of what was reasonably necessary, make a recommendation to the Minister either that the practitioner should be required by the Council for a specified period, in respect of any treatment other than an examination or emergency treatment, to submit for prior approval to the Board estimates in respect thereof, or that no further action should be taken.

(7) The Minister shall consider the recommendation, if any, of the Council and, subject as hereinafter provided, may give to the Council a direction that the practitioner shall be required for a specified period in respect of any treatment other than examination or emergency treatment, to submit for prior approval to the Board estimates in respect thereof, or may decide that no further action should be taken, as he thinks proper.

(8) The Minister shall before giving the Council a direction under the last preceding paragraph afford the practitioner a reasonable opportunity of making representations to him on the matter and the provisions of paragraph (2) (*b*) of regulation 11 of these regulations shall apply where the practitioner desires to make oral representations.

Investigation of excessive prescribing of glasses

20.—(1) Where it appears to the Ophthalmic Services Committee, on an investigation of the forms No. 1 in the third schedule to the Ophthalmic Services Regulations completed by an ophthalmic medical practitioner or an ophthalmic optician after testing the sight of applicants for supplementary ophthalmic services, that there is a *prima facie* case for considering that, by reason of the number of glasses and the type of lenses prescribed in relation to the number of sight tests undertaken and to the degree of refractive error present, the cost incurred by the Council has been materially in excess of what was reasonably necessary for the purpose of affording proper services to the persons concerned, the matter shall be further considered by the Committee as hereinafter provided.

(2) Before considering the case the Committee shall furnish the practitioner or optician concerned with a statement indicating the matters on which an explanation is required and shall afford him a reasonable opportunity of either appearing before the Committee together with a friend, not being a person appearing in the capacity of counsel, solicitor or other paid advocate and being heard or, if he thinks fit, of submitting to them a statement in writing, and, in the event of a hearing, a representative or representatives of the Minister shall be entitled to attend and be heard by the Committee.

(3) After considering the case the Committee shall decide whether the cost incurred by reason of the number of glasses and the type of lenses prescribed by the practitioner or optician, as the case may be, was materially in excess of what was reasonably necessary for the purpose of affording proper services to the persons concerned, and if so, what is the amount of any excess cost which has been incurred by the Council.

(4) Where the Committee have decided that an excessive cost has been so incurred, they shall inform the Council, the practitioner or optician as the case may be, and the Minister of their decision and may add a statement of any considerations to which, in their opinion, the Council and the Minister should have regard in making any recommendation or decision with reference to the withholding of money from the practitioner or optician as hereinafter provided for.

(5) The practitioner or optician shall be entitled to appeal against the decision of the Committee by sending to the Minister notice of appeal within one month from the date on which notice of the Committee's decision was received. The Minister shall appoint as referee or referees a person or persons (not exceeding three in number and not being officers of the Ministry of Health) who shall hear and determine the appeal and shall have power to determine the appeal by a majority. In the case of an appeal by a practitioner at least one of such persons shall be an ophthalmic medical practitioner selected from the panel of such practitioners appointed under paragraph 4 of the seventh schedule to the Act as amended by section 20 of the National Health (Amendment) Act, 1949, and in the case of an appeal by an optician at least one of such persons shall be an ophthalmic optician selected from the panel of ophthalmic opticians appointed under paragraph 4 of the aforesaid seventh schedule.

(6) If the Minister is dissatisfied with the decision of the Committee, he may appoint a person or persons to hear and determine the matter in the manner provided in the last preceding paragraph and the provisions of that paragraph including those relating to the person or persons to be appointed shall apply accordingly.

(7) After consideration of the decision of the Committee or, if an appeal has been made or the matter has been referred for hearing and determination under the last foregoing paragraph, after consideration of the decision of the person or persons determining the appeal or matter, the Council shall, if such decision is that an excessive cost has been incurred, make a recommendation to the Minister with regard to the withholding of money from the practitioner or optician, as the case may be. The Minister may thereafter 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 or optician to make representations to the Minister, shall apply.

Power of Local Medical, Pharmaceutical and Dental Committees to consider complaints

21.—(1) The Local Medical Committee shall have power to consider any complaint made to them by any general medical practitioner against a general medical practitioner practising in the area for which the Committee is constituted involving any question of the efficiency of the general medical services.

(2) The Local Pharmaceutical Committee shall have power to consider any complaint made to them by any chemist against a chemist carrying on business in the area for which the Committee is constituted involving any question of the efficiency of the pharmaceutical services.

(3) The Local Dental Committee shall have power to consider any complaint made to them by any dental practitioner against a dental practitioner practising in the area for which the Committee is constituted involving any question of the efficiency of the general dental services.

PART III

INQUIRIES RELATING TO PRACTITIONERS, CHEMISTS AND OPTICIANS

Interpretation and forms

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

" inquiry " means an inquiry held in accordance with the provisions of this part of these regulations ;

"representation" means a representation made to the Tribunal that the continued inclusion of a general medical practitioner in any medical list, or a chemist in any pharmaceutical list, or a dental practitioner in any dental list, or an ophthalmic medical practitioner or optician in any ophthalmic list, would be prejudicial to the efficiency of the general medical, pharmaceutical, general dental or supplementary ophthalmic services as the case may be;

"complainant" means any person or body making a representation to the Tribunal;

"respondent" means any practitioner, chemist, or optician against whom a representation is made.

(2) The forms set out in the third schedule to these regulations or forms substantially to the like effect shall be used in all cases to which those forms are applicable.

Tenure of office

23.—(1) The chairman of the Tribunal shall hold office during the pleasure of the Lord Chancellor.

(2) The member of the Tribunal appointed by the Minister, after consultation with such associations of Executive Councils as he may recognise as representative of Executive Councils, shall hold office during the pleasure of the Minister.

Officers of Tribunal

24. The chairman of the Tribunal shall appoint a person approved by the Minister to act as clerk of the Tribunal and shall also appoint such other officers as may be necessary.

Representation and preliminary statement

25.—(1) A representation shall be in writing signed by or on behalf of the complainant and addressed to the clerk of the Tribunal.

(2) The Tribunal may, if they think fit, require the complainant to send them a preliminary statement setting out the alleged facts and grounds on which the representation is based and, where a fact is not within the personal knowledge of the complainant, the source of the information and grounds for the belief of the complainant that the information is true, together with such further particulars as they may think necessary, and they may require the preliminary statement to be verified by statutory declaration.

Power to refuse inquiry

26. If it appears to the Tribunal, after due consideration of any representation or of any preliminary statement furnished to them by the complainant, not being a Council, that no good cause has been shown why an inquiry should be held, they may refuse to hold an inquiry and shall inform the complainant accordingly.

Notices to be sent in case of inquiry

27.—(1) The Tribunal shall, in all cases where an inquiry is to be held, send the following notices, namely:—

(*a*) A notice (Form 1) to the respondent informing him that it is proposed to hold an inquiry as to the representation made by the complainant; and

(*b*) A notice (Form 2) to the complainant informing him that it is proposed to hold an inquiry as to the representation made by him and requiring him, within a time specified in the notice, to send to the Tribunal a concise statement (Form 2A) of the alleged facts and grounds

on which the representation is based (in this part of these regulations referred to as "the statement of complaint") together with a list of all the documents which he proposes to put in evidence:

Provided that where the complainant has sent a preliminary statement to the Tribunal, the Tribunal may, if they think fit, dispense with a statement of complaint and in that case the preliminary statement shall, for the purposes of the inquiry, be treated as the statement of complaint.

(2) The Tribunal may, if they think fit, on the application of the complainant extend the time for sending to them the statement of complaint.

Right of respondent to admit or deny allegations

28. The Tribunal shall send to the respondent a copy of the statement of complaint and of the list of documents which the complainant proposes to put in evidence, together with a notice (Form 3) informing him that he may, if he so desires, within a time specified in the notice, by a statement in writing addressed to the clerk of the Tribunal, admit or dispute the truth of all or any of the allegations appearing in the statement of complaint.

Amendment of statement of complaint

29. The Tribunal at any time before the conclusion of the inquiry may allow the statement of complaint to be amended upon such conditions as they may think just.

Right of respondent to inspect documents

30.—(1) The respondent may, on giving due notice to the complainant, inspect, either personally or by an agent authorised in writing, the documents included in the list sent by the complainant to the Tribunal and the complainant shall give reasonable facilities for the purpose.

(2) The respondent shall be entitled, on making application to the Tribunal, to a copy of any document in that list and the Tribunal may require the complainant to furnish to the clerk of the Tribunal a copy of the document for the respondent's use.

Notice of inquiry to be given

31.—(1) The Tribunal shall appoint a day for the holding of the inquiry and shall, not less than fourteen days before the appointed day, send notices (Form 4) to the complainant and the respondent informing them of the date, time and place of the inquiry.

(2) The Tribunal shall, if they think fit, also send to any other Council on whose medical, pharmaceutical, dental or ophthalmic list the name of the respondent appears, notice (Form 5) of the date, time and place of the inquiry and each Council may appear and take such part in the proceedings at the inquiry as the Tribunal shall think proper.

Power to postpone inquiry

32. The Tribunal may, if they think fit or on the application of either party, postpone the date for the holding of the inquiry.

Power to treat representation as withdrawn in certain cases

33. If the complainant fails, within the time specified in the notice or within any extended period, to send a statement of complaint to the Tribunal or if he fails to comply with any other requirement of this part of these regulations, the Tribunal may treat the representation as having been withdrawn.

Withdrawal of representation

34.—(1) The complainant may at any time before the inquiry, with the consent of the Tribunal and on such terms as the Tribunal think fit, withdraw the representation by giving notice of withdrawal in writing to the clerk of the Tribunal.

(2) Where the representation has been withdrawn or is treated by the Tribunal as having been withdrawn, the Tribunal shall (without prejudice to their power to hold an inquiry as hereinafter provided) forthwith inform the respondent that the representation has been withdrawn or is treated as having been withdrawn, as the case may be.

Procedure at inquiry

35. The proceedings shall be held *in camera* unless the respondent has applied for the inquiry to be held in public but otherwise the procedure at the inquiry shall be within the discretion of the Tribunal.

Appearance by representative

36.—(1) Any Council or other body (whether corporate or unincorporate) entitled to appear at the inquiry may appear by a member or by their clerk or other officer duly appointed for the purpose or by counsel or solicitor.

(2) The complainant and the respondent shall be entitled to appear and be heard at the inquiry in person or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family, and shall be entitled to call witnesses and to produce other evidence on his behalf.

Provisions of Local Government Act, 1933, to apply

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

Power to suspend proceedings in certain cases

38. Where it appears to the Tribunal that the alleged facts on which any representation is based are or may be the subject of investigation by any other tribunal, they may, if they think fit, direct that no further steps shall be taken under this part of these regulations pending the issue of such other investigation.

Power to dispense with oral inquiry

39. Notwithstanding anything in this part of these regulations, where the grounds on which any representation is based consist solely of an allegation that the respondent has been convicted of a criminal offence and he admits the truth of such allegation, the Tribunal may, with the consent of the respondent, dispense with an oral inquiry and determine the case upon such documentary evidence as may be submitted to them.

Report by Tribunal

40.—(1) At the conclusion of the inquiry the Tribunal shall, as soon as may be, issue a statement under the hand of the chairman containing their findings of fact, the conclusions which they have reached and such directions as they may give under subsection (3) of section 42 of the Act, and any order they may decide to make with respect to the costs of the parties.

(2) A copy of such statement shall be forwarded by the Tribunal to the Minister, the respondent and the complainant, and the Minister shall send a copy of the statement to such Councils as appear to him to be concerned.

Appeal to Minister

41. The Tribunal shall give notice to the respondent of his right of appeal to the Minister against any direction given by them for the removal of his name from any list, and the right may be exercised by submitting to the Minister a notice of appeal within fourteen days after such notice has been forwarded to the respondent.

The notice of appeal shall contain a concise statement of the facts and contentions upon which the appellant intends to rely.

Procedure on appeal

42.—(1) The Minister shall appoint a person to hear the appeal and report thereon to him. He shall also appoint:—

(*a*) where the appellant is a general medical practitioner, a practitioner from the panel of medical practitioners referred to in regulation 11 of these regulations, or

(*b*) where the appellant is a chemist, a registered pharmaceutical chemist, or

(*c*) where the appellant is a dental practitioner, a dental practitioner from the panel of dental practitioners referred to in regulation 11 of these regulations, or

(*d*) where the appellant is an ophthalmic medical practitioner or an optician, a person belonging to the same branch of the service as the appellant,

for the purpose of assisting the person hearing the appeal.

The Minister shall consider the report made by the person hearing the appeal and in the case of a medical or dental practitioner any recommendation made by the medical or dental advisory committee constituted under regulation 11 of these regulations to whom he shall refer such report, and shall thereafter give his decision and shall send a notice thereof to the appellant, the Tribunal, the complainant and such Councils as may appear to him to be concerned.

(2) Regulations 30, 31, 32, 35 and 36 of these regulations shall, with the necessary modifications, apply to the hearing of appeals under this regulation in like manner as to an inquiry.

(3) The appellant may, at any time before the day appointed for the hearing, withdraw the appeal by giving notice of such withdrawal in writing to the Minister, and when an appeal has been withdrawn the Minister shall forthwith confirm the direction of the Tribunal.

(4) The provision 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 subsection (5) the word "Minister" were substituted for the word "Department".

Publication of decisions of Tribunal, etc.

43. Notice of any decision of the Tribunal or of the Minister under section 42 of the Act and of the imposition and removal of any disqualification imposed by virtue of subsection (6) of the said section (which provides for the removal from lists in England and Wales of persons who have been disqualified for inclusion in similar lists in Scotland) shall be published by the Minister in such manner as he thinks fit.

PART IV

MISCELLANEOUS

Service of notices, etc.

44.—(1) Any document which is required or authorised by these regulations to be given to or served on any person may be given or served either—

(*a*) by delivering it to that person ; or

(*b*) in the case of the Minister, the Tribunal or any Council, or committee, by delivering it to their secretary or clerk or by sending it in a prepaid letter, addressed to them at their principal office ; or

(*c*) in the case of a practitioner, chemist or optician by sending it in a prepaid letter addressed to him at the address given in the list in which he is included ; or

(*d*) in any other case, by sending it in a prepaid letter addressed to him at his usual or last known address.

(2) Where a party to proceedings is represented by a solicitor it shall be sufficient compliance with this regulation if the document required to be given or served is sent by post to the solicitor at his professional address.

(3) Until the contrary is proved, any document sent as aforesaid shall be deemed to be served at the time at which a letter would be delivered in the ordinary course of post.

Power to dispense with requirements as to notices

45. The Minister or the Tribunal may dispense with any requirements of these regulations respecting notices, applications, documents or otherwise in any case where it appears to the Minister or the Tribunal, just and proper to do so.

Power of Minister to make fresh appointments

46. Where the Minister has made an appointment under any of the provisions of regulations 9 to 20, or 42 respectively of these regulations, and any person so appointed has died, or resigned for any cause whatsoever, before the completion of the purpose for which he was appointed, or is unable, or has refused, to complete such purpose, the Minister may in his discretion make a fresh appointment in accordance with the provisions of the appropriate regulation, and in such event any case referred to the person appointed shall be considered *de novo*.

For the purposes of this regulation, a person shall be deemed to have completed the purpose for which he was appointed where he has indicated to the other persons appointed with him the decision to be given, or the recommendation to be made to the Minister, even though a report embodying such decision or recommendation is not signed by him.

Power of Minister to extend time for appeals

47. The Minister may, on the application of any person desiring to appeal under the provisions of regulation 7, 10, 12 to 14, 16 to 20 or 41 respectively of these regulations, extend the time for giving notice of appeal, and may do so although the application is not made until after the expiration of the time prescribed for the making of an appeal.

An application for the extension of the time for giving notice of appeal must be made in writing to the Minister, stating the grounds for the application.

PART V

THE ISLES OF SCILLY

Application of regulations

48. In their application to the Isles of Scilly these regulations shall have effect subject to the following exceptions, adaptations and modifications:—

(*a*) Any provision in the regulations requiring consultation with, or the opinion of, the Local Medical, Pharmaceutical or Dental Committees in respect of any matter shall not apply to the Council unless a Local Medical, Pharmaceutical or Dental Committee has been formed for the Isles and recognised by the Minister under section 32 of the Act.

(*b*) For regulation 3 there shall be substituted the following provision:—

"3.—(1) The Council shall appoint a medical service committee, a pharmaceutical service committee, a dental service committee, and a joint services committee and, with the approval of the Minister, an ophthalmic investigation committee.

(2) Each committee shall consist of a chairman and such other members as the Council shall think fit.

(3) The following provisions shall have effect with regard to the appointment of the chairman of each of the said committees:—

(*a*) The chairman shall be appointed at a meeting of the members of the committee to be specially summoned for the purpose. The chairman of the Council or, if he is a member of the committee or is unable to attend, the vice-chairman or some other member of the Council (not being a member of the Committee) to be nominated by the chairman, shall preside at the meeting but shall not be entitled to vote. The appointment shall be made by a majority of the votes cast at the meeting.

(*b*) Any person shall be eligible for appointment who is not a practitioner, chemist or optician.

(*c*) The foregoing provisions with respect to the appointment of a chairman shall apply to the appointment of a deputy chairman.

(*d*) If the person appointed as chairman or deputy chairman of a committee is already a member of the committee, he shall thereupon cease to be a member other than as chairman or deputy chairman, and a new member shall be appointed to take his place.

(*e*) Any person not being a member of the Executive Council who is appointed chairman shall be entitled to attend and take part in the proceedings of the meetings of the Council but not to vote.

(4) Prior to the commencement of a hearing before the Committee, the chairman shall ask the members thereof whether any of them is interested in a question referred to them either directly or through association with a party concerned. If in the opinion of the chairman any member is so interested, that member shall take no part in the hearing of the question but a deputy having the same qualifications may act in his place.

(5) (*a*) The chairman shall have a casting vote in the case of an equality of votes, but otherwise he shall not be entitled to vote.

(*b*) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and if the chairman is present shall be entitled to attend, but shall take no part in, the proceedings of the committee.

(6) The Council may make standing orders with respect to the term of office of the chairman, deputy chairman, members and deputy members of the committee:

Provided that the term of office of the chairman shall not exceed one year unless he is re-appointed."

(*c*) Regulations 10, 12 to 17, and 19 and 20 shall not apply to the Isles.

PART VI

REVOCATION

Revocation of regulations

49. The National Health Service (Service Committees and Tribunal) Regulations, 1948(**a**), the National Health Service (Service Committees and Tribunal) Amendment Regulations, 1950(**b**), and the National Health Service (Service Committees and Tribunal) Amendment Regulations, 1953(**c**), are hereby revoked:

Provided that—

(*a*) Such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred, or anything duly due or suffered, under those regulations;

(*b*) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce any such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made,

(*c*) such revocation shall not affect any appeal, appointment, application, consent, decision, determination, investigation, nomination, notice, proceedings, reference, report, representation, requirement, selection, or standing order made, commenced, prepared, issued or given under the regulations so revoked, and every such appeal, appointment, application, or consent, decision, determination, investigation, nomination, notice, proceedings, reference, report, representation, requirement, selection, or standing order, shall, so far as it could have been made, commenced, prepared, issued or given under these regulations, have effect as if it had been so made, commenced, prepared, issued or given.

FIRST SCHEDULE

RULES OF PROCEDURE UNDER REGULATION 5

Procedure of service committees

1.—(1) Where under the provisions of the regulations any question or matter is required to be investigated by any medical, pharmaceutical or dental service committee, or by an ophthalmic investigation committee, the following procedure shall be adopted:—

(*a*) (i) The Clerk of the Council shall as soon as practicable send to the chairman of the appropriate committee a copy of the complainant's

(a) S.I. 1948/507 (Rev. XV, p. 674: 1948 I, p. 2205).
(b) S.I. 1950/983 (1950 I, p. 1324).
(c) S.I. 1953/1175 (1953 I, p. 1295).

statement. If in the opinion of the chairman the statement made by the complainant discloses no *prima facie* ground of complaint, or is frivolous or vexatious, the Clerk of the Council shall, except as hereinafter provided, so inform the complainant and shall ask him whether he wishes to submit within seven days a further statement. If no further statement is submitted within the period, or if the statement so submitted does not in the opinion of the chairman render a hearing of the case necessary, the case shall be brought before the committee which shall have power to dispense with a hearing and to report on the matter forthwith.

(ii) The chairman may, however, request the Clerk to seek the comments of the practitioner, chemist or optician on the statement or statements and in that event the Clerk shall inform the practitioner, chemist or optician that the substance of his comments will be passed on to the complainant, and on receipt of such comments, shall ask the complainant to submit his observations within seven days. If the chairman is then of the opinion that a hearing of the case is unnecessary the case shall be brought before the Committee which shall have power to dispense with a hearing and to report on the matter forthwith. Where, however, no reply is received within a reasonable time from the practitioner, chemist or optician, or the correspondence discloses a material difference of fact between the parties, the committee shall not, except as hereinafter under (*b*) (iii) provided, dispense with a hearing.

(*b*) (i) Except in cases disposed of under (*a*) without a hearing the Clerk of the Council shall, as soon as practicable, send to the practitioner, chemist or optican concerned, if he has not already done so, a copy of the complainant's statement, and of any ensuing correspondence on the matter. The practitioner, chemist or optician shall be informed that any comments made by him will be used in evidence at the hearing.

(ii) Where any complaint against a general medical or dental practitioner or a chemist concerns the conduct of either a deputy or an assistant to such practitioner or of a registered pharmaceutical chemist employed by the chemist, the Clerk shall also send a copy of the complainant's statement to such deputy, assistant or pharmaceutical chemist, as the case may be, who, subject as hereinafter provided, shall be treated as if he were a party to the investigation if within fourteen days of receipt of the statement he applies to the Committee to be so treated, but shall not be the subject of any action by the Council under regulation 6, and shall have no right of appeal under regulation 7, of these regulations:

Provided that where the name of the deputy to a general medical practitioner is also included in the medical list the deputy shall be a party to the investigation and the Council shall be entitled to take action under the said regulation 6 against him, subject to his right of appeal under the said regulation 7.

(iii) If the statement made by the complainant concerns the alleged acts or omissions of a deputy to a general medical practitioner whose name is also included in the medical list, and if in the opinion of the Chairman that statement and the ensuing correspondence disclose no *prima facie* grounds of complaint against the practitioner personally, and the practitioner has carried out his obligations under his terms of service in relation to the making of all proper and necessary deputising arrangements, the case concerning that practitioner shall be brought before the Committee which shall have power to dispense with a hearing and report on the case forthwith, without prejudice however to the investigation of the case so far as it concerns the deputy.

(*c*) Except in cases disposed of without a hearing the Clerk shall give to both parties and to the Secretary of the Local Medical, Pharmaceutical, Dental or Optical Committee, as the case may be, not less than fourteen days' notice of the meeting at which the case will be heard.

(*d*) The chairman may, upon the application of either party, postpone the hearing if he is satisfied that the attendance of the party or any witness on the date fixed for the hearing is not reasonably practicable or if for any other reason he thinks fit.

(*e*) The Clerk shall seven clear days before the hearing supply to each member of the committee copies of the statement and the reply, if any, thereto, and of any further correspondence relating to the matter which has taken place between the Clerk and either party. Copies of such correspondence shall also be sent to the Secretary of the Local Medical, Pharmaceutical, Dental or Optical Committee as the case may be.

(*f*) Either party shall be entitled to be present at the hearing and to give and call such evidence as the committee may think relevant to the matters at issue, and may put questions relevant to the matter in dispute to the other party or to any witness called by him, either directly, or, if the committee so direct, through the chairman of the committee. Subject as aforesaid, the procedure at the hearing shall be such as the committee may determine.

(*g*) If either party fails to appear at the hearing, and the committee are satisfied that his absence is due to illness or other reasonable cause, or if for any other reason the committee think fit, they may adjourn the hearing.

(*h*) If in the course of a hearing the complainant introduces any issue which in the opinion of the chairman was not sufficiently disclosed in the written statement or statements sent to the respondent, it shall be within the discretion of the chairman to admit or exclude such issue as he thinks fit, but if the issue is admitted the hearing will be adjourned unless the respondent after consultation with the person, if any, assisting him in the presentation of his case, or the representative of the Local Medical, Pharmaceutical, Dental or Optical Committee, as the case may be, if present, requests that the hearing should proceed and the chairman agrees thereto.

(*i*) The quorum shall consist in the case of any medical service committee of the chairman together with one lay member and one medical member, in the case of any pharmaceutical service committee of the chairman together with one lay member and one pharmaceutical member, in the case of any dental service committee of the chairman together with one lay member and one dental member, and in the case of any ophthalmic investigation committee of the chairman together with one lay member and a member belonging to the same branch of the service as the respondent.

(2) The foregoing provisions of this schedule shall apply to cases which are referred to any medical, pharmaceutical or dental service committee or to any ophthalmic investigation committee by the Council or by any other committee or by the Dental Estimates Board, with such modifications as the circumstances may require.

(3) Where a case has been opened before any committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the committee who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the Clerk to send him notice of such meeting.

Procedure of joint services committees

2. Where any question is referred to any joint services committee the following procedure shall be adopted:—

(*a*) The Clerk of the Council shall, as soon as practicable, send to the chairman of the committee and to the general medical or dental practitioner and chemist (if any) concerned a copy of the complainant's statement and of any ensuing correspondence on the matter.

(*b*) The quorum shall consist of the chairman together with one lay member and, in the case of a question relating to

(i) a general medical practitioner and a chemist, one medical member and one pharmaceutical member;

(ii) a chemist and a dental practitioner, one pharmaceutical member and one dental member;

(iii) a general medical practitioner and a dental practitioner, one medical member and one dental member.

(*c*) Subject as aforesaid, the procedure of any joint services committee shall be similar to that of a medical service committee with such modifications as are rendered necessary by the inclusion of a third party.

Interpretation

3. In these rules, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them:—

"chairman" includes a deputy chairman acting in his place.

"member" includes a deputy member acting in the place of a member.

"lay member" in relation to the medical, pharmaceutical or dental service committees or the joint services committee means a member appointed by and from the members of the Council who were appointed by the local health authority or the Minister, and in relation to an ophthalmic investigation committee means a member appointed by the Council.

"medical member", "pharmaceutical member" or "dental member" of a service committee means a member appointed by the Local Medical, Pharmaceutical or Dental Committee, as the case may be, and in the case of a joint services committee a member appointed by and from the medical, pharmaceutical or dental members of the medical, pharmaceutical or dental service committee.

SECOND SCHEDULE

RULES OF PROCEDURE UNDER REGULATION 15

1. Where a Council and a Local Medical Committee fail to agree as to the decision of any question

(1) The Council shall prepare and submit to the Committee a written statement of the facts in connection with which the question has arisen and of the decision given by the Council and the grounds on which the decision is based.

(2) The Committee shall, as soon as may be after receipt of the said statement, furnish to the Council a written statement of the decision given by the Committee and the grounds on which the decision is based and shall inform the Council whether they concur in the statement of facts prepared by the Council and, if not, in what respects they do not concur in that statement.

(3) The Council shall send the statements prepared by the Council and the Committee to the Minister and he may, if he thinks fit, require both or either of the said bodies to furnish to him further particulars with regard to the facts of the case, or the decision, or the grounds of the decision.

2. Where the Minister thinks fit to refer for decision to referees any question on which the Council and the Committee are agreed, the Minister may require either or both of the said bodies to furnish written statements of the facts in connection with which the question has arisen and of their decision and the grounds on which the decision is based, and the Minister shall inform the body or bodies furnishing such statements whether he concurs in the statement of facts contained therein and, if not, in what respect he does not concur therein and shall further inform the body or bodies of his grounds for disagreeing with their decision.

3. The Minister shall furnish copies of all such documents to each of the referees appointed by him for the purpose of deciding the question.

4. If the referees on consideration of such documents are of the opinion that the question referred to them is similar to a question previously determined by referees under regulation 15 of these regulations, they may dispense with a hearing and determine the case summarily.

5. Except in a case in which the referees dispense with a hearing in accordance with the last foregoing rule, the Minister shall fix the time and place of the hearing and shall give not less than twenty-one days' notice thereof to the Council and the Committee.

6. Each body shall be entitled to appear at the hearing by the chairman, clerk or secretary of the body or by a member or by an officer duly appointed for the purpose, or by counsel or solicitor and the Minister may appear by one of his officers and the bodies and the Minister may produce such evidence as in the opinion of the referees may be relevant to the matters at issue.

7. The referees shall, as soon as may be after the hearing or after determining a case summarily, report to the Minister the decision at which they have arrived.

THIRD SCHEDULE

FORMS FOR USE IN PROCEEDINGS BEFORE TRIBUNAL

FORM I

NOTICE TO THE RESPONDENT OF INTENTION TO HOLD INQUIRY

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

Take notice that a representation has been made by of to the Tribunal that your continued inclusion in the† list of the Executive Council [Ophthalmic Services Committee] would be prejudicial to the efficiency of the‡ services provided under Part IV of the Act, and that it is proposed to hold an inquiry with respect to the above representation.

A statement of the alleged facts and grounds on which the above representation is based will be sent to you as soon as possible, and notice of the date appointed for the holding of the inquiry will follow in due course.

A copy of the National Health Service (Service Committees and Tribunal) Regulations, 1956, is enclosed herewith for your information.

Signed

. Clerk of the Tribunal

Dated.....

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* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

† State whether medical, pharmaceutical, dental or ophthalmic list.

‡ State whether general medical, pharmaceutical, general dental, or supplementary ophthalmic.

FORM 2

NOTICE TO COMPLAINANT OF INTENTION TO HOLD INQUIRY

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

Take notice that it is proposed to hold an inquiry with respect to the representation dated the day of 19 , made by you to the Tribunal to the effect that the continued inclusion of the above-named respondent in the† list of the Executive Council [Ophthalmic Services Committee] would be prejudicial to the efficiency of the‡ services provided under Part IV of the Act.

You are hereby required within days after receipt of this notice to set out on the accompanying form—

(*a*) a concise statement of the alleged facts and grounds on which your said representation is based; and

(*b*) a list of all the documents (if any) which you propose to put in evidence at the inquiry.

and to forward the form to me.

Notice of the day appointed for the holding of the inquiry will be sent to you in due course.

A copy of the National Health Service (Service Committees and Tribunal) Regulations, 1956, is enclosed herewith for your information.

Signed

Clerk of the Tribunal

Dated.....

* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

† State whether medical, pharmaceutical, dental or ophthalmic.

‡ State whether general medical, pharmaceutical, general dental, or supplementary ophthalmic.

FORM 2A

STATEMENT OF COMPLAINT

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To the Clerk of the Tribunal,

The facts and grounds on which the representation made by me with respect to the above-named is based, are as follows:—

[Here set out concise statement of facts and grounds.]

The following is a list of all the documents which I propose to put in evidence:—

[Here set out list of documents.]

Signed

Dated.....

* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

FORM 3

NOTICE TO RESPONDENT OF ALLEGED FACTS AND GROUNDS ON WHICH REPRESENTATION IS BASED

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

With reference to the representation made by of concerning you (of which representation due notice was given to you dated the day of 19) I am directed by the Tribunal to send you a copy of the statement of complaint received by the Tribunal from the said setting out the alleged facts and grounds on which the said representation is based, together with a list of all documents proposed to be put in evidence by him.

You may, if you so desire, inform the Tribunal by statement in writing addressed to me within days after receipt of this notice, whether you admit or dispute the truth of all or any of the allegations appearing in the statement of complaint.

You are further entitled to inspect any of the documents mentioned in the above list, either personally or by an agent authorised in writing, on giving due notice to the above-named and, by applying to the Tribunal for that purpose, to receive copies of any of the said documents.

Signed

Clerk of the Tribunal

Dated.....

* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

FORM 4

NOTICE TO COMPLAINANT OR RESPONDENT OF DAY APPOINTED FOR HOLDING OF INQUIRY

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To of

With further reference to the representation made by you with respect to the above-named respondent by of with respect to you

Take notice that the Tribunal will on day the day of 19 , at a.m. at p.m. hold an inquiry to investigate the said representation.

You are hereby informed that if you do not attend on the date at the time and place appointed for the inquiry, the Tribunal may proceed to hold the inquiry in your absence.

Signed

Clerk of the Tribunal.

Dated.....

* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

FORM 5

NOTICE OF INQUIRY TO BE SENT TO ANY EXECUTIVE COUNCIL WHICH IS NOT THE COMPLAINANT

In the matter of a*

and

In the matter of the National Health Service Act, 1946.

To the Executive Council for

Take notice that a representation has been made by of to the Tribunal to the effect that the continued inclusion of the above-named respondent in the† list of the Executive Council [Ophthalmic Services Committee] would be prejudicial to the efficiency of the‡ services provided under Part IV of the said Act.

You are hereby informed that an inquiry to investigate the said representation will be held by the Tribunal on day the day of 19 , at $\frac{\text{a.m.}}{\text{p.m.}}$ at and that you are entitled to appear and take such part in the proceedings as the Tribunal shall think proper.

A copy of the statement of complaint is enclosed for your information.

Signed

Clerk of the Tribunal.

Dated.....

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* State whether respondent is a general medical, ophthalmic medical, or dental, practitioner, a chemist, or an ophthalmic or dispensing optician.

† State whether medical, pharmaceutical, dental or ophthalmic.

‡ State whether general medical, pharmaceutical, general dental, or supplementary ophthalmic.

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

(L.S.)

Robert H. Turton,
Minister of Health.

EXPLANATORY NOTE

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

These regulations are a consolidation of the National Health Service (Service Committees and Tribunal) Regulations, 1948 (as amended) and of Parts VIII and IX of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1948, with a number of amendments. The main amendments provide for:—

(1) the appointment of an ophthalmic investigation committee by Executive Councils (regulation 3 (2) (*d*)).

(2) the qualifications of the chairman of a service committee (regulation 3 (3) (*b*)).

(3) the investigation of complaints made against practitioners, only where they are made by certain classes of persons (regulation 4 (1)).

(4) the inclusion in service committee reports of references to previous cases, only where a breach of the terms of service has been found in those cases and in the case under investigation (regulation 5 (4)).

(5) the making of representations in lieu of an appeal, and instead of thereafter, in certain cases (regulations 7 (1) and 11 (2) (*a*)).

(6) the limitation of, and procedural changes in, appeals against decisions of the Dental Estimates Board (regulation 18).

(7) the investigation of excessive dental treatment (regulation 19).

(8) the making of a fresh appointment, at the discretion of the Minister, where a person appointed has died, etc. (regulation 46).

(9) minor amendments to the Rules of Procedure for Service Committees (first schedule).

1956 No. 265

The National Health Service (Travelling Allowances, etc.) Regulations, 1956

Made - - - -	*27th February,* 1956
Laid before Parliament	*2nd March,* 1956
Coming into Operation	*15th March,* 1956

The Minister of Health in exercise of the powers conferred on him by sections 40, 41 and 54 of, and paragraph 2 of the First Schedule, paragraph 2 of Part IV of the Third Schedule, paragraph 3 of the Fifth Schedule, paragraph 3 of the Sixth Schedule and paragraph 6 of the Seventh Schedule to, the National Health Service Act, 1946(a), as amended by 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 (Travelling Allowances, etc.) Regulations, 1956, and shall come into operation on the fifteenth day of March, 1956.

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

"enactment" includes an enactment in a regulation,

"the Minister" means the Minister of Health,

"the Act" means the National Health Service Act, 1946.

(2) Any reference in these regulations and in the Schedule hereto to a committee of a body shall be deemed where the body is itself a committee to be a reference to a sub-committee thereof.

(a) 9 & 10 Geo. 6. c. 81. (b) 12, 13 & 14 Geo. 6. c. 93.