

1966 No. 1233 (S. 88)

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (General Medical and  
Pharmaceutical Services) (Scotland) Regulations 1966**

*Made* - - - - 23rd September 1966

*Laid before Parliament* 30th September 1966

*Coming into Operation* 1st October 1966

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In exercise of the powers conferred on me by sections 33, 34, 35, 36, 40, 41, 46 and 72 of and Schedules 6 and 7 to the National Health Service (Scotland) Act 1947(a), and by sections 14, 15 and 16 of and Part II of the Schedule to the National Health Service (Amendment) Act 1949(b) and of all other powers enabling me in that behalf, I hereby make the following regulations:—

**PART I***General**Citation and commencement*

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966, and shall come into operation on the 1st day of October 1966.

*Interpretation*

- 2.—(1) In these regulations, unless the context otherwise requires, the

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(a) 10 & 11 Geo. 6. c. 27.

(b) 12, 13 & 14 Geo. 6. c. 93.

following expressions have the respective meanings hereby assigned to them:—

“the Act” means the National Health Service (Scotland) Act 1947, as amended by the National Health Service (Amendment) Act 1949;

“appliances” in relation to appliances ordered by a medical practitioner means appliances specified in Part I of Schedule 3 to these regulations;

“assistant” means a practitioner who acts as an assistant to a practitioner and for the purposes of paragraph 8 of Part I of Schedule 1 to these regulations shall include a practitioner who is being trained in general practice as a trainee general practitioner under arrangements approved by the Secretary of State;

“Council” means in relation to any area the Executive Council constituted for that area;

“drugs” includes medicines and such chemical reagents as are or may be prescribed and any compounded preparation of drugs;

“health centre” means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act;

“maternity medical services” means the provision of personal medical services during and following pregnancy and labour in respect of all conditions arising therefrom by a practitioner who has agreed to provide such services;

“medical card” means a card issued to a person, in a form approved by the Secretary of State, for the purpose of enabling him to obtain or establishing his title to receive general medical services other than maternity medical services from a practitioner, and shall include any similar card provided for a similar purpose under the National Health Insurance (Medical Benefit) Regulations (Scotland) 1938(a);

“medical officer” means any medical officer appointed by the Secretary of State for a district in which general medical services are provided;

“the Medical Practices Committee” means the Scottish Medical Practices Committee;

“practitioner” means a registered medical practitioner;

“relevant service” has the same meaning as in section 64(1) of the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951(b) and includes service rendered under the Army Reserve Act 1962(c) and section 2 of the Navy, Army and Air Force Reserves Act 1964(d);

“treatment” means medical attendance and treatment and includes the issue of certificates referred to in Schedule 5 to these regulations being medical certificates reasonably required under, or for the purposes of, any enactment, and the keeping and forwarding of any records, and the furnishing of any information in accordance with the terms of service set out in Part I of Schedule 1 to these regulations, but does not include maternity medical services unless the practitioner has by arrangement undertaken to provide such services for the person concerned.

(2) (a) For the purposes of these regulations, except where expressly provided to the contrary, a practitioner shall be deemed not to be carrying on practice in partnership or to be a partner unless in the opinion of the Council or, on appeal, the Medical Practices Committee, he is in the position of a principal in connection with the practice and is entitled to a share in the profits of the partnership which is not less than one-third of the share of the profits of the partner with the largest share:

(a) S.R. & O. 1938/609 (1938 II, p. 2379).  
(c) 10 & 11 Eliz. 2. c. 10.

(b) 14 & 15 Geo. 6. c. 65.  
(d) 1964 c. 11.

Provided that the Medical Practices Committee shall admit to any hearing of such appeal such persons not exceeding two in number as may be appointed for the purpose by an organisation recognised by the Secretary of State as representative of the medical profession, and shall consult such persons before determining the appeal.

(b) A practitioner who by virtue of this paragraph is deemed not to be a partner shall be deemed to be an assistant.

(3) In these regulations the expression "chemist" means a registered pharmaceutical chemist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933(a), who provides pharmaceutical services, and the regulations shall also apply (except so far as the context may otherwise require) to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined.

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

## PART II

### *Medical Practitioners*

#### *Terms of service for practitioners*

3. The arrangements which the Council are required by section 34 of the Act to make with practitioners for the provision of personal medical services shall incorporate the terms of service contained or referred to in Part I of Schedule 1 to these regulations.

#### *Medical list*

4.—(1) The Council shall prepare a list, to be called "the medical list", of the practitioners who are entitled to be included in the list.

(2) The medical list shall distinguish by marks or otherwise those practitioners who have indicated their willingness to provide maternity medical services and those practitioners who are included in the list for the purpose of providing maternity medical services only.

(3) The medical list shall contain, in addition to the name of a practitioner—

(a) his private address and the address of any surgery, health centre or other place of consultation at which he attends for the purpose of treating persons receiving general medical services;

(b) particulars of the days and hours at which he undertakes to be in attendance at each place;

(c) particulars of days and hours during which he sees patients by appointment;

(d) where he practises in partnership, the names of each partner;

(e) where he is acting as an assistant, the name and address of the principal;

(f) any conditions as to the area of practice attached to the granting of an application by the Medical Practices Committee or, on appeal, by the Secretary of State;

and may, if the Council think fit, be so arranged as to show the part of the area in which each practitioner will provide treatment:

Provided that for the purposes of this paragraph a partner shall include any partner who is otherwise deemed under the regulations to be an assistant, and an assistant shall not include such a person.

(4) Copies of the medical list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up to date.

(5) The Council shall send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the Local Medical Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein. The Council shall also send a copy of the list to each local health authority in their area, the Regional Hospital Board, the Board of Management of each hospital or group of hospitals serving their area, and to any person under contract with the Council to provide pharmaceutical services, and at intervals of not more than three months shall notify them of any alteration made in the medical list:

Provided that in the case of persons providing pharmaceutical services and Boards of Management of hospitals the Council may send to them the portions of the list which appear to the Council to concern them.

*Removal from medical list of names of practitioners not providing services.*

5.—(1) Where the Council have determined, in accordance with the provisions of this regulation, that a practitioner whose name has been included for the preceding six months in the list of medical practitioners undertaking to provide general medical services in the area of the Council—

(a) has never provided such services for persons in the area; or

(b) has ceased to provide such services for such persons, the Council shall, after giving the practitioner twenty-eight days' notice of their intention to do so, remove his name from such list unless the Secretary of State directs to the contrary as hereinafter provided.

(2) Before making any determination under the last preceding paragraph the Council shall—

(a) afford the practitioner an opportunity of making representations to the Council in writing, or if he so desires, orally, to a committee appointed by the Council for the purpose, of which committee at least one-third of the members shall be practitioners, and

(b) consult the Local Medical Committee.

(3) A practitioner to whom notice has been given under paragraph (1) of this regulation may within twenty-one days of receipt of such notice appeal to the Secretary of State against a determination of the Council under that paragraph, and, pending the decision on such appeal, the Council shall not remove the practitioner's name from the list by reason of the determination appealed against. The notice of appeal shall be in writing and shall set out the facts and contentions on which the practitioner intends to rely. On any such appeal the Secretary of State shall, if he allows the appeal, direct that the Council shall not remove the name of the practitioner from the list by reason of the determination appealed against.

(4) Any notice which is required or authorised to be given to a practitioner under this regulation may be given by delivering it to the practitioner or by sending it in a prepaid letter addressed to him at his usual or last known address. If the notice is sent by post it shall be deemed to be given, until the contrary is proved, at the time at which a letter would be received in the ordinary course of post.

(5) Nothing in this regulation shall affect a practitioner who is called into whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or who is serving in pursuance of the Army Reserve Act 1962 or the Navy, Army and Air Force Reserves Act 1964, or who is called up for compulsory whole-time service by virtue of provisions contained in any enactment for the time being in force, or being liable under those provisions for such service is performing service equivalent thereto, and no determination under this regulation shall be made in respect of any such practitioner until six months after he has completed his period of service.

*Application for inclusion in a medical list*

6.—(1) Application by a practitioner for inclusion in a medical list shall be made by delivering or sending by post to the Council an application in the form set out in Part II of Schedule 1 to these regulations, or in a form to the like effect.

(2) On receipt of an application from a practitioner for inclusion in the medical list, the Council shall transmit the application to the Medical Practices Committee, together with a report in a form approved by the Committee.

*Reports by Council to Medical Practices Committee*

7.—(1) The Council shall once in every year or at such more frequent intervals as the Medical Practices Committee may require, furnish the Committee with such information as may be required by the Committee to enable them to judge the adequacy of the medical services in the area of the Council or any part thereof.

(2) Where a practitioner whose name is included in the medical list has notified the Council of his intention to cease or has ceased to carry on his practice (otherwise than in the case where the practitioner has given notice of desire to exchange his practice under regulation 9 of these regulations), the Council shall, not later than fourteen days after the date on which they are so notified or on which they learn that the practitioner has ceased to carry on his practice, inform the Medical Practices Committee and furnish to that Committee a report as to whether the said cessation of practice creates a vacancy that requires to be filled.

*Succession to vacant medical practices*

8.—(1) Where a practitioner whose name is included in the medical list has notified the Council of his intention to cease or has ceased to carry on his practice, the Council may, and if the Medical Practices Committee so direct shall, by advertisement in the press, invite applications from practitioners desirous of succeeding to the practice in whole or in part.

(2) After consultation with the Local Medical Committee, the Council may select a practitioner or practitioners to succeed to the practice in whole or in part and shall notify their decision to the Medical Practices Committee and to each practitioner from whom they may have received an application, whether in response to an advertisement or otherwise, informing each unsuccessful applicant at the same time of his right of appeal to the Medical Practices Committee as provided in paragraph (3) of this regulation.

(3) Any practitioner from whom the Council received an application may, within seven days of receipt of notification of the Council's decision, appeal to the Medical Practices Committee against that decision, and the Committee may direct that any appellant or appellants shall be selected to succeed to the practice in whole or in part instead of or in addition to any practitioner selected by the Council.

(4) The procedure for the determination of appeals to the Medical Practices Committee under this regulation shall be such as the Committee may determine.

(5) The Council shall, in a case where a successor to a practice has to be selected from a number of applicants, and the Medical Practices Committee shall, on an appeal in any such case, have regard to any desire expressed by an applicant to practise with other practitioners providing general medical services in the area and to any desire expressed by such other practitioners to take any applicant into practice with them, and shall have special regard to the matters aforesaid in cases where an applicant is related to any such other practitioner.

(6) The provisions of this regulation shall not apply in the case where the practitioner has given notice of desire to exchange his practice under regulation 9 of these regulations.

*Exchange of practices*

9.—(1) Where a practitioner whose name is included in the medical list of a Council has notified the Council that he desires to exchange practices with another practitioner providing general medical services whether in the area of the Council or not, the Council, after such inquiry as they may think necessary and after consultation with the Local Medical Committee, may agree that the exchange should take place and that the second practitioner should succeed to the first practitioner's practice.

(2) Where the Council agree as aforesaid they shall intimate accordingly to both practitioners and to the Medical Practices Committee and both practitioners shall notify to the Council a date agreed upon by them as the date on which the first practitioner intends to cease to carry on his practice and the second practitioner intends to commence practice, which date shall not be earlier than the expiration of three months from such intimation or of such shorter period as the Council may agree.

(3) Where the Council do not agree that the exchange should take place as aforesaid they shall inform both practitioners of their right of appeal to the Medical Practices Committee and either practitioner with the consent of the other in writing may, within fourteen days of receipt of such information, appeal to the Medical Practices Committee who shall determine the appeal.

(4) The procedure for the determination of appeals to the Medical Practices Committee under this regulation shall be such as the Committee may determine.

(5) The Medical Practices Committee shall intimate to the practitioners their determination which, in a case where they determine that the exchange should take place, shall be deemed to be the agreement of the Council and the provisions of paragraph (2) of this regulation regarding the date of the exchange shall apply accordingly.

(6) An exchange of practices shall not take place under the provisions of this regulation unless the exchange takes place within six months after the practitioners have received intimation that the Council have agreed or are deemed to have agreed to the exchange.

*Advertisement of vacancies*

10. A Council may, and if directed by the Medical Practices Committee shall, by advertisement in the press, invite applications from practitioners desirous of providing general medical services in their area.

## PART III

*Scottish Medical Practices Committee**Appointment of members and tenure and vacation of office*

11.—(1) The following provisions shall apply to the members of the Medical Practices Committee (in this part of these regulations referred to as "the Committee").

- (2) (a) The Chairman and other members in office at the coming into operation of these regulations shall continue to hold office for the periods for which they were respectively appointed.
- (b) Subject as herein provided members shall be appointed for a period of three years expiring on the 31st day of March in any year.
- (c) A member may be re-appointed to the Committee on the expiration of his term of office.
- (d) A member may resign from the Committee by giving notice in writing to the Secretary of State: Provided that a member who is appointed as being a person actively engaged in medical practice shall be deemed to have resigned if he ceases to be so engaged.

- (e) A person appointed to fill a casual vacancy shall hold office for the remainder of the period for which his predecessor was appointed.

*Procedure for the determination of applications*

12.—(1) Subject to the next following paragraph a decision of the Committee to grant an application for inclusion in the list on the ground that the number of practitioners undertaking to provide general medical services in the area or part of an area is not already adequate shall be given in such manner as the Committee may determine.

(2) Subject to paragraph (4) of this regulation any decision of the Committee involving the refusal of an application or the granting of an application subject to conditions, shall be the decision of the majority of members present and voting at a meeting of the Committee and the Committee shall inform the applicant of his right of appeal to the Secretary of State.

(3) If the Committee are of opinion that one or more practitioners are required for the area or part of the area concerned and the number of applicants exceeds the number of practitioners required they shall—

- (a) consider the views expressed by the Council with respect to the application;
- (b) if they think fit give to the applicants or any of them the opportunity to attend before them and make representations in person or to make written representations;
- (c) select the applicant or applicants whose applications are to be granted and forthwith inform them, the Council and the Secretary of State of their decision; and
- (d) inform any practitioner whose application is refused or granted subject to conditions of his right of appeal to the Secretary of State.

(4) Three members shall form a quorum and in the case of equality of votes the chairman shall have a second or casting vote.

*Appeal to the Secretary of State*

13.—(1) A practitioner may appeal to the Secretary of State against the refusal of an application for inclusion in the medical list or the granting of such application subject to conditions by sending to the Secretary of State notice of appeal within seven days, or such longer period as the Secretary of State may allow, from the date on which the notice of the decision of the Committee is given to him.

(2) The appellant shall furnish within such period as the Secretary of State may allow a concise statement of the facts and contentions upon which he intends to rely.

(3) If it appears to the Secretary of State that the appeal is of such a nature that it can properly be determined without a hearing he may dispense with a hearing and determine the appeal summarily and shall communicate his decision to the appellant, the Committee and the Council.

(4) If the Secretary of State is of opinion that a hearing is required, he shall appoint one or more persons to hear the appeal.

(5) A hearing shall take place at such time and place as the Secretary of State may direct and notice of the hearing shall be sent by post to the appellant, the Committee, the Council and any practitioner whose application for appointment to the vacancy to which the application relates was granted, not less than seven days before the date fixed for the hearing.

(6) The appellant and any of the parties to whom notice of the hearing is required to be given may attend and be heard in person or by counsel or solicitor or other representative. The Committee and the Council may be represented at the hearing by any duly authorised member or officer or by counsel or solicitor.



(7) Subject to the provisions of this regulation the procedure at the hearing shall be such as the person or persons hearing the appeal may determine.

(8) The person or persons hearing the appeal shall as soon as may be after the hearing draw up a report, stating the relevant facts and his or their conclusions, and the Secretary of State after taking such report into consideration shall give his decision and communicate it to the appellant, the Committee, the Council and such practitioners as have under the foregoing provisions of this regulation been served with notice of the hearing.

*Certificate that transaction does not involve sale of goodwill*

14. A certificate issued by the Committee under section 36(9) of the Act shall be in the form set out in Schedule 2 to these regulations or in a form to the like effect.

#### PART IV

##### *General Medical Services other than Maternity Medical Services*

###### *Selection of practitioner*

15.—(1) Application by a person to a practitioner for acceptance and inclusion in his list shall be made in writing either on the person's medical card or on a form of application approved by the Secretary of State.

(2) Application by a person to a practitioner for acceptance as a temporary resident shall be made in writing on a form supplied by the Council.

###### *Allocation scheme*

16.—(1) The Council after consultation with the Local Medical Committee shall prepare a scheme (hereinafter referred to as "the allocation scheme") which shall provide for the following matters:—

- (a) the constitution of a committee of the Council (hereinafter referred to as "the allocation committee") consisting of equal numbers of persons appointed by the Council and the Local Medical Committee respectively and of a chairman, and the assignment to such committee or to a member or members thereof of such powers and duties relating to the administration of the scheme as may be specified therein;
- (b) the steps to be taken by a practitioner to enable a person, who has applied for and been refused acceptance by him, to be accepted by or assigned to a practitioner;
- (c) the provision of any treatment required by the person pending such acceptance or assignment;
- (d) the period within which notice of acceptance of a person is to be given to the Council by any practitioner;
- (e) the assignment to a practitioner of any person who applies for assignment;
- (f) the provision by a practitioner of treatment where such treatment is immediately necessary owing to an accident or other emergency;
- (g) the restrictions, if any, to be imposed on the right of a practitioner to require the removal of a person from his list where the removal would be likely to involve hardship owing to the state of that person's health;
- (h) such incidental or consequential provisions as may be deemed necessary.

(2) The allocation scheme shall specify the maximum number of persons, who, save in special circumstances, may appropriately be placed on the list of a practitioner, and such maximum number shall not exceed the following:—

- (a) in the case of a practitioner carrying on practice otherwise than in partnership, 3,500;

(b) in the case of two or more practitioners carrying on practice in partnership, 4,500 for any partner and an average of 3,500 for each partner: Provided that—

- (i) where a practitioner or a partnership of practitioners employs permanently one or more assistants, the said figures of 3,500 for a practitioner carrying on practice otherwise than in partnership and 4,500 for a partner, may be increased in respect of each assistant by such number as may be fixed from time to time by the Council in the light of the circumstances of the particular case not being more than 2,000, and in the case of a partnership any such increase shall be disregarded in calculating the average figure of 3,500 for each partner;
- (ii) where an assistant is included in a medical list the increase allowable in respect of him under the preceding proviso shall be reduced by the number of persons on his list;
- (iii) a practitioner who is dissatisfied with the decision of the Council respecting the extent to which his list may be increased by reason of the employment by him of an assistant may appeal against that decision to the Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from that date on which the Council intimate their decision to him, and the Committee, after such inquiry as they may think necessary, shall determine the appeal.

(3) The allocation scheme shall empower the Council to require a practitioner the number of persons on whose list exceeds the appropriate number determined in accordance with the provisions of the scheme to make arrangements within a specified period for bringing the number on his list into conformity with the said provisions, and may include provision for the necessary consultation and co-ordination in this respect between the Council and any Council of an adjoining area who may be concerned.

(4) The allocation scheme may also provide for the application with the necessary modifications of the provisions of regulation 17 (3) of these regulations to the case of—

- (a) a practitioner whose name is included in the medical list in respect of more than one address and who ceases to practice at one of such addresses;
- (b) a practitioner who on ceasing to employ a permanent assistant reduces the number of persons on his list; and
- (c) a practitioner who on entering into partnership with another practitioner reduces the number of persons on his list.

(5) In the event of the Council and Local Medical Committee failing to agree on any provision of the allocation scheme the matter shall be referred to the Secretary of State, whose determination shall be final.

(6) The provisions of the allocation scheme shall be subject to the approval of the Secretary of State.

(7) The Council after consultation with the Local Medical Committee may amend the allocation scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State who may amend the allocation scheme.

(8) If the Council fail to submit an allocation scheme to the Secretary of State within such time as he may direct, the Secretary of State may make a scheme, and such scheme shall have effect within the area of the Council as though it has been prepared by the Council and approved by the Secretary of State.

*Change of practitioner*

17.—(1) Subject to the provisions of the next following paragraph a person may at any time make application for acceptance by a practitioner, notwithstanding that he is at the date of application included in the list of another practitioner, and if accepted he shall forthwith be entitled to obtain treatment from the practitioner to whom application has been made.

(2) Where a person is at the date of application for acceptance by a practitioner already included in the list of another practitioner and has not changed his address from that shown on his medical card, he may be accepted only if either—

- (a) the practitioner in whose list his name is included has given his consent, such consent being written, signed and dated on the medical card; or
- (b) he has given notice in writing to the Council of his desire to choose another practitioner, has forwarded to the Council his medical card, or, if such card for some sufficient reason cannot be so forwarded, an application for a new card on a form to be supplied by the Council, and has received from the Council a communication stating the date on and after which another practitioner may accept him. The said communication shall be issued by the Council as soon as possible after receipt by them of the notice and medical card (or application for a new card) and the said date shall be fourteen days after the receipt of the original notice by the Council or, where the medical card or completed form of application for a new card is not forwarded with the original notice or within seven days thereafter, seven days after the receipt by the Council of the medical card or completed form: Provided that if a person does not choose another practitioner within the period ending twenty-eight days after the aforesaid date, the communication shall no longer authorise his acceptance.

(3) Where a practitioner whose name is included in the medical list ceases to carry on his practice the Council shall make known the fact by a public notice in the local press or otherwise and by individual notices sent to the persons on the list of the practitioner. The individual notices shall also include the following particulars:—

- (a) A statement of the right of each such person to apply to another practitioner for acceptance;
- (b) if one or more practitioners have been selected under the provisions of regulation 8 or regulation 9 of these regulations to succeed to the practice, and the names of any such practitioners are included in the medical list, a statement of the name and address of the successor in whose list it is considered that the persons in question, or any section of them, may wish to be included, together with an intimation that such successor is willing to accept the persons concerned for treatment, and that they will be deemed to be included in his list as from the date given in the notice unless within one month of the said date they have applied to and have been accepted by other practitioners, or have given notice in writing to the Council of their desire not to be so included, and in such a case the said persons shall be deemed to be included in the list of the successor accordingly.

(4) The terms of notices given under this regulation shall be determined by the Council after consultation with the Local Medical Committee.

(5) A practitioner who has performed a period of relevant service in an emergency recognised by the Secretary of State for the purposes of these regulations and has returned to his practice at the end of such service, shall within one month of his return notify the Council in writing that he has personally resumed practice; where the Council have been so notified, they shall within

seven days send a notice to all persons whose names were on the practitioner's list at the date of the recognition of the emergency, or of the beginning of his service, whichever shall be the later, who are still residing at the same address at which they were residing at such date, and who have transferred to the list of another practitioner. The Council's notice shall specify that the former practitioner has resumed practice, and that the person's name will be restored to his list unless within fourteen days that person gives notice in writing to the Council that he wishes his name to remain on the list of his present practitioner. After the said period of fourteen days has elapsed, the Council shall inform the practitioners concerned of the names of the persons who are restored to the list of the practitioner who has resumed practice, and shall also inform the other practitioner of the names of the persons who have elected to remain on his list.

*Temporary arrangements for practice on retirement, death, etc.*

18.—(1) Where a practitioner whose name is included in the medical list ceases to carry on his practice the Council may, in consultation with the Local Medical Committee, make temporary arrangements for the treatment of the persons for whose treatment the practitioner was or might have become responsible, including arrangements for the appointment of one or more practitioners to undertake the treatment of such persons and for the accommodation and other needs of any practitioner so appointed:

Provided that where the name of a practitioner has ceased to be included in the medical list in consequence of his decease, and any person within seven days of the date of death makes application to the Council on behalf of the estate of the deceased practitioner and the Council are satisfied that he is acting in the interests of the estate, they may, instead of themselves making an appointment under this paragraph, authorise such person to do so, and any practitioner thus appointed shall be regarded as if he had been appointed a deputy of the practitioner who is deceased.

(2) An appointment of any practitioner under this regulation shall be for such period as the Council think fit, not exceeding, except in special circumstances, six months, and shall be subject to the condition that the practitioner agrees in writing to be bound by the terms of service which were applicable to the practitioner who has ceased to carry on his practice. During the period of any such appointment the name of any person who has not applied to and been accepted by another practitioner shall be deemed to remain on the list of the practitioner who has ceased to carry on his practice.

*Removal of person from practitioner's list*

19.—(1) A person whose name is included in the list of a practitioner and who no longer wishes to avail himself of general medical services may at any time give notice to the Council that he wishes his name to be removed from that list, and at the expiration of fourteen days from the date of the receipt of the notice the Council shall remove the name and inform the person and the practitioner.

(2) Subject as hereinafter provided in paragraph (4) of this regulation, where in regard to a person whose name is included in the list of a practitioner providing general medical services in the area of the Council the Council after due inquiry are satisfied either—

(a) that the person no longer resides permanently in the area or in that part of the area where the practitioner has undertaken to provide such services, or

(b) that the whereabouts of the person are no longer known to the Council, and that the practitioner in whose list the name of the person is included is

no longer responsible for providing that person with general medical services, the Council shall remove the name of that person from the practitioner's list:

Provided that before removing the name of a person from a practitioner's list under this paragraph, the Council shall give to the practitioner concerned not less than six months' notice in writing of their intention to remove the name of that person unless the practitioner satisfies them that he is still responsible for providing general medical services for that person.

(3) On removing the name of a person from the list of a practitioner the Council shall notify the practitioner and the person concerned at his last known address.

(4) (a) The Council shall, on receiving from a practitioner in accordance with the provision of paragraph 7(11) of Part I of Schedule 1 to these regulations particulars concerning the names of persons who are pupils or staff or inmates of a school or residential institution where he provides general medical services forthwith remove the names of all persons appearing on his list as pupils or staff or inmates of such school or institution which are not shown in the said particulars.

(b) Where the Council have made a request to a practitioner for particulars under the provision of the said paragraph 7(11) and have not received them in accordance with those provisions, they may remove the names of persons at such school or institution appearing on his list.

#### *Temporary residents*

20.—(1) A person who is residing temporarily in any district and is not on the list of a practitioner providing general medical services in that district may, if requiring treatment, apply to any practitioner to be accepted by him as a temporary resident. In such a case his name shall not be removed from the list of any practitioner in which it is already included.

(2) A person moving from place to place who is for the time being not resident in any place may, if requiring treatment, apply to any practitioner to be accepted by him as a temporary resident.

(3) For the purpose of this regulation the residence of a person shall be deemed to be temporary if at the time of his arrival in a district he intends to remain there for a period of not more than three months: Provided that if his stay extends to more than three months his residence shall at the end of that period cease to be regarded as temporary.

#### *Practitioners' lists*

21.—(1) The Council shall prepare and keep revised up to date a list of persons for whose treatment each practitioner is for the time being responsible and shall from time to time furnish the practitioner with information with regard to persons added to or deleted from the list.

(2) Subject to the provisions of regulation 17(3) of these regulations, the name of a person accepted by a practitioner for inclusion in his list shall be included in the list from the date on which notification of acceptance is received by the Council.

(3) Where a person for whose treatment a practitioner is responsible dies, or is absent from the United Kingdom for a period of three months, his name shall be deleted from the practitioner's list as from the date on which the Council first receive notification of the death or absence for three months.

(4) Where such a person leaves the United Kingdom with the intention of being away for a period in excess of three months or enlists in Her Majesty's

Forces, or is serving a prison sentence or sentences totalling in the aggregate more than two years, his name shall be deleted from the practitioner's list as from the date on which the Council first receive notification of the departure, enlistment or imprisonment.

(5) Any deletions from a practitioner's list caused by the transfer of a person to the list of another practitioner, otherwise than in accordance with a notice given under regulation 17(3) of these regulations shall take effect from the date on which the Council receive notification of the acceptance of the person by the last-mentioned practitioner or, subject to the consent of the Council, on such date being not earlier than the date of such consent, as may be agreed between the practitioners.

(6) Any other deletion of the name of such a person from a practitioner's list shall take effect as from the date on which notice of deletion is sent by the Council to the practitioner or from such other date not being earlier than that date as may be specified in the notice.

## PART V

### *Maternity Medical Services*

#### *Application for services*

22. A person who, after diagnosis of pregnancy by a medical practitioner, desires the provision of maternity medical services, may arrange for the provision of such services either by any practitioner on a medical list who has indicated his willingness to provide maternity medical services, or by the practitioner in whose list her name is included, notwithstanding that he is not such a practitioner.

#### *Change of practitioner*

23.—(1) A practitioner who has arranged to provide maternity medical services for any person may agree with that person to terminate the arrangements. Such person may then make fresh arrangements in accordance with regulation 22.

(2) If for any reason a practitioner who has arranged to provide maternity medical services for any person or the person concerned desires to terminate the arrangements, either of them may, in default of agreement, apply to the Council for permission to terminate the arrangements. After hearing such representations as the practitioner and the person concerned may make, the Council may terminate the arrangements and give notice to such person of her right to make fresh arrangements.

#### *Temporary residents*

24. A person who is residing temporarily in any district may arrange with a practitioner for the provision by him of maternity medical services during her period of temporary residence, without prejudice to her right to obtain such services in any other area in which she may become resident.

#### *Notice of provision of services*

25. A practitioner who has arranged to provide maternity medical services for a person shall notify the Council of the services provided by him, on a form issued by them for the purpose, not later than twelve months, or such other longer period as the Council may allow in the circumstances of the case, after the confinement of that person.

## PART VI

*Pharmaceutical Services**Terms of service for chemists*

26.—The arrangements which the Council are required by section 40 of the Act to make for the supply of drugs and medicines and prescribed appliances to persons receiving general medical services, and of prescribed drugs and medicines to persons receiving general dental services, shall incorporate the terms of service contained or referred to in Part I of Schedule 4 to these regulations:

Provided that where the Secretary of State has informed the Council that facilities for the provision of pharmaceutical services have been or will be made available under section 15 of the Act at a health centre situated within the area of the Council, the Council shall make arrangements for the provision of pharmaceutical services at such health centre which shall incorporate the terms of service contained or referred to in Part II of Schedule 4 to these regulations.

*Pharmaceutical list*

27.—(1) The Council shall prepare a list, to be called "the pharmaceutical list", of the names and places of business of the persons, firms and bodies corporate who are entitled to be included in the list. The list shall indicate the nature of the services to be provided in each case and the days and hours during which the several places of business are open. The particulars relating to persons, firms and bodies corporate who are entitled to dispense medicines shall be shown in a separate part of the list.

(2) Application for inclusion in a pharmaceutical list shall be made by delivering or sending by post to the Council an application in the form set out in Part III or Part IV of Schedule 4 to these regulations, or in a form to the like effect.

(3) Copies of the pharmaceutical list shall be available for inspection at the office of the Council and at such other places as appear to the Council to be convenient for informing all persons interested and shall be kept revised up to date.

(4) The Council shall send a copy of the pharmaceutical list to the Secretary of State, the Local Medical Committee, the Local Dental Committee and the Local Pharmaceutical Committee, and shall within seven days inform each of them of any alteration which may from time to time be made therein.

*Schemes for securing proper pharmaceutical service.*

28.—(1) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for testing the quality and checking the amounts of drugs and appliances supplied. The minimum number of tests to be made annually shall be specified in the scheme.

Provided that for the purposes of the scheme prepared in accordance with this paragraph, a drug or appliance dispensed and awaiting collection shall be deemed to be supplied.

(2) The Council after consultation with the Local Pharmaceutical Committee shall prepare a scheme for securing that one or more places of business on the pharmaceutical list in each district shall at all reasonable times be open. The scheme shall specify the days and hours during which such places shall be open, and the arrangements for the dispensing of medicines required urgently at other times.

(3) The provisions of the said schemes shall be subject to the approval of the Secretary of State.

(4) In the event of the Council and the Local Pharmaceutical Committee failing to agree on any provision of a scheme, the matter shall be referred to the Secretary of State, whose determination shall be final.

(5) The Council after consultation with the Local Pharmaceutical Committee may amend a scheme, subject to the approval of the Secretary of State. If the Council and the Committee fail to agree on any amendment proposed by either of them, the matter shall be referred to the Secretary of State, who may amend the scheme.

#### *Prescribed appliances and reagents*

29.—(1) The appliances to be supplied to persons receiving general medical services shall be the appliances specified in Part I of Schedule 3 to these regulations.

(2) The chemical reagents to be supplied to persons receiving general medical services shall be those specified in Part II of Schedule 3 to these regulations.

#### *Arrangements for supply by practitioners of drugs and appliances*

30.—(1) Where the Council after consultation with the Local Pharmaceutical Committee are satisfied that a person, by reason of distance or inadequacy of means of communication or other exceptional circumstances, will have serious difficulty in obtaining from a chemist any drugs or appliances required for his treatment under these regulations, the Council shall require the practitioner who is responsible for the treatment of the person to supply such drugs and appliances to that person until further notice: Provided that where the drugs or appliance is one for which the practitioner is entitled to receive special payment if he supplies it he may, with the patient's consent, instead of supplying the drug or appliance himself, issue a prescription for it.

(2) Notwithstanding anything contained in this regulation—

(a) a practitioner shall not be required to undertake the supply of drugs and appliances under this regulation if he satisfies the Council, or, on appeal, the Secretary of State, that he is not in the habit of dispensing drugs for his patients; and

(b) a practitioner shall be entitled to receive reasonable notice from the Council that he is required to undertake the supply of drugs and appliances or that such supply is to be discontinued.

## PART VII

### *Payments*

#### *Payments to practitioners*

31.—(1) For each financial year ending on 31st March the Council shall make payments to practitioners providing general medical services in their area in accordance with such rates and subject to such conditions as the Secretary of State, in a Statement, may determine after consultation with such organisations as he may recognise as representing practitioners. The Statement shall make provision for the following matters:—

(a) basic and supplementary practice allowances, and additional allowances for designated areas, group practice, vocational training, seniority, and employment of assistants;

(b) standard and supplementary capitation fees and capitation fees for elderly patients;



- (c) fees for items of service, for temporary residents and for workmen residing in certain camps;
  - (d) fees and allowances for the supply of drugs and appliances and for mileage, and fees for maternity medical services;
  - (e) allowances for post-graduate training, for training practitioners and for initial practice or inducement to practise;
  - (f) allowances for practice expenses and for improvement of premises;
  - (g) group practice loans;
- and may be amended from time to time by the Secretary of State after consultation with such organisations as aforesaid.

(2) Where a practitioner is on the medical list of more than one Council any payment due to the practitioner may, where the Statement so provides, be made by one Council on behalf of all Councils concerned.

#### *Payments to chemists and standards of drugs and appliances*

32. The Secretary of State shall, after consultation with an organisation which is, in his opinion, representative of the general body of chemists, cause to be prepared a statement (in these regulations referred to as "the drug tariff") which shall include—

- (a) the prices on the basis of which the payment for specified drugs (being drugs commonly prescribed) and appliances is to be calculated:  
 Provided that such prices may, in accordance with any provision in the drug tariff to that effect, be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost price of drugs and appliances;
- (b) the method of calculating the payment for drugs not specified in the drug tariff;
- (c) the method of calculating the payment for containers;
- (d) the dispensing fees or other sums payable in respect of the supply of drugs and appliances;
- (e) the standards of quality for drugs and appliances;
- (f) the method by which a claim may be made for compensation for financial loss in respect of oxygen equipment.

Without prejudice to the provisions of paragraph (a) hereof, the Secretary of State may, after consultation with such organisation as aforesaid, from time to time amend or alter, generally or otherwise, the drug tariff.

### PART VIII

#### *Miscellaneous*

##### *Publication of particulars of arrangements*

33. The Council shall cause to be published, in such manner as appears to them best calculated to inform all persons interested, particulars of the arrangements made by the Council, including a statement of the places where copies of the terms of service for practitioners and chemists and copies of the medical list and of the pharmaceutical list may be seen and where any forms of application are available and any other particulars which the Council think proper.

##### *Exercise of choice of practitioner in certain cases*

34. The right to choose the practitioner by whom general medical services are to be provided shall be exercised—

- (a) on behalf of any child under the age of sixteen by the mother, or in her absence the father, or in the absence of both parents, the guardian or other person who has the care of the child;

- (b) on behalf of any person who, on account of sickness or other infirmity, is incapable of exercising the right to choose, by a relative or any person who has the care of such person; and
- (c) on behalf of any person under the care of the managers of an approved school, by the managers of the school or a person duly authorised by them in that behalf.

### *Revocations*

35. The regulations named in Schedule 6 to these regulations are hereby revoked but any appeal, appointment, approval, arrangement, authority, certificate, direction, determination, list, notice, requirement, scheme or tariff made or given or any proceeding commenced or thing done under such revoked regulations, shall, so far as they could have been made, given, commenced or done under corresponding provisions in these regulations, have effect as if they had been so made, given, commenced or done under these regulations.

Dated this 23rd day of September 1966.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh, 1.

## SCHEDULE 1

### PART I

#### TERMS OF SERVICE FOR MEDICAL PRACTITIONERS

#### *Interpretation*

1. In these terms of service, unless the context otherwise requires, "patient" means a person for whose treatment a practitioner is responsible under paragraph 3 of these terms of service and "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966, and other words and expressions have the same meaning as in the regulations.

#### *Incorporation of Provisions of Regulations, etc.*

2. Any provisions of the regulations affecting the rights and obligations of practitioners and the provisions of any allocation scheme made under regulation 16 and in force in the area and of any Statement made under Regulation 31 and any provisions of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948(a) shall be deemed to form part of these terms of service.

#### *Persons for whose treatment the practitioner is responsible*

- 3.—(1) The persons for whose treatment a practitioner is responsible are—
- (a) all persons whom he has accepted or agreed to accept for inclusion in his list and who have not been notified to him by the Council as having ceased to be on his list;
  - (b) all persons whom he has accepted or agreed to accept as temporary residents;
  - (c) all persons who have been assigned to him in accordance with the allocation scheme and who have not been notified to him by the Council as having ceased to be on his list;
  - (d) all persons for whom he may be required, under the terms of the allocation scheme, to provide treatment pending their acceptance by or assignment to a practitioner, or to provide treatment in case of accident or other emergency;

- (e) all persons to whom the practitioner is required to give necessary treatment under paragraph 5 of these terms of service; and
  - (f) all persons for whom he has undertaken to provide general medical services under an arrangement approved by the Secretary of State for the provision of such services to workmen residing in camps.
  - (g) all persons in respect of whom he is acting as deputy under the provisions of paragraph 8(9) of these terms of service.
- (2) A practitioner shall be responsible for the provision of maternity medical services for all persons for whom he has undertaken to provide such services.
- (3) A practitioner who has been appointed under regulation 18 of the regulations to undertake the treatment of persons on the list of a practitioner whose name has ceased to be included in the medical list shall, for the period of his appointment, be responsible for the treatment of all such persons.
- (4) Notwithstanding anything contained in this paragraph, a practitioner shall not be responsible under these terms of service for the treatment in hospital of a person admitted thereto for treatment by the staff of the hospital.
- (5) A practitioner shall indicate his acceptance of an applicant by signing either his medical card, or a form of application for acceptance which has been duly completed by the applicant or on his behalf, and sending the card or form to the Council within such period as may be specified in the allocation scheme. Where a partner, assistant or deputy, duly authorised for the purpose, signs on behalf of the practitioner he shall indicate accordingly, stating the practitioner's name as well as his own.

*Right of practitioner to have patient removed from his list*

4. Subject to such restrictions, if any, as may be imposed by the allocation scheme, a practitioner is entitled to have the name of any person on his list removed therefrom by giving notice at any time to the Council, and at the expiration of seven days from the receipt of such notice by the Council the name of any person on his list removed therefrom by giving notice at any time to the Council, and at the expiration of seven days from the receipt of such notice by the Council the name of the person shall be removed from the practitioner's list.

*Evidence of person's title to obtain treatment*

5.—(1) A practitioner is entitled to require a person claiming to be on his list and applying for treatment, regarding whose identity he has reasonable doubts, to produce his medical card.

(2) (a) If such person fails on request to produce his medical card, the practitioner is required to give any necessary treatment (including the supply of any drugs or appliances which he would be required himself to supply to a person on his list) but the practitioner may charge the applicant a reasonable fee for any treatment given, including any drugs or appliances supplied, provided that he renders the applicant an account, or gives him a receipt for the fee. The practitioner may order any drug or prescribed appliance required for the treatment of the applicant in the same way as for a person on his list.

(b) If the applicant applies to the Council within fourteen days after receiving the account or paying the fee, as the case may be (or within such longer period not exceeding one month as may be allowed by the Council if they are satisfied that the failure to make application within the period of fourteen days was occasioned by some reasonable cause), and the Council are satisfied that he was on the practitioner's list, the Council may require the practitioner to withdraw his account, or if the fee has been paid, may recover the fee from the practitioner by deduction from his remuneration or otherwise and repay it to the applicant. If the practitioner has supplied any drug or appliance for which, in the case of a person on his list, he would have been entitled to payment from the Council, the Council shall credit him with the payment to which he would have been so entitled.

*Range of service*

6.—(1) A practitioner is required to render to his patients all proper and necessary treatment. Such treatment includes the administration of anaesthetics or the rendering of any other assistance at an operation performed by and of the kind usually performed by a general medical practitioner if the administration of the anaesthetic or the render-

ing of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess. Subject to sub paragraph (3) of this paragraph, the treatment to be so provided does not include—

- (a) services which involve the application of such special skill or experience as aforesaid;
- (b) the administration of an anaesthetic at an operation performed by a practitioner providing maternity medical services;
- (c) maternity medical services, unless the practitioner has, by arrangement with his patient, undertaken to provide her with such services.

(2) In the case of maternity medical services the expression 'all proper and necessary treatment' includes all necessary medical services (other than services which involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess) during and following pregnancy and labour in respect of all conditions arising therefrom, and in particular the following services, namely—

- (a) Antenatal services—Full antenatal care and supervision and all necessary antenatal medical examinations, including full medical and obstetric examination of the patient as soon as possible after the practitioner's engagement to attend the case, and such further examinations as the condition of the patient requires.
- (b) Services during confinement and the lying-in period—
  - (i) Attendance at some stage of labour, either before or at delivery, or at such early time thereafter as is reasonably possible in the light of clinical circumstances.
  - (ii) Attendance within twelve hours after the completion of labour, or as soon thereafter as practicable, and, as often as the condition of the patient or of her child requires, throughout a lying-in period of fourteen days.
  - (iii) Attendance at any time when summoned by the midwife attending the case.
- (c) Post-*puerperal* services—Medical and pelvic examination of the patient at or about six weeks after confinement.

The practitioner providing the maternity medical services shall, if he is not the practitioner on whose list the name of the person is included—

- (a) comply with any request made by the practitioner on whose list the name of the person is included to examine or give any other assistance to that person and her child, if and so far as the practitioner providing the services considers that it is necessary and appropriate that he should do so;
- (b) issue, in accordance with the provisions of paragraph 7(7) of these terms of service, to the person or her personal representative certificates of pregnancy, expected confinement and confinement, being certificates reasonably required by her.

The practitioner providing the service shall also, subject always to paragraph 3(4) of these terms of service, administer an anaesthetic or render other assistance, as required, in connection with any service or operation performed by another practitioner as part of the hospital and specialist services, if the administration of the anaesthetic or the rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

Nothing in this sub-paragraph shall affect the responsibility of the practitioner on whose list the name of the person receiving maternity medical services is included for the provision of treatment necessary for her general health.

(3) In case of emergency the practitioner is required to render whatever services are, having regard to the circumstances, in the best interest of the patient.

(4) In determining whether a particular service is a service involving the application of such special skill and experience as aforesaid, regard is to be had to the question whether services of the kind are or are not usually undertaken by general practitioners practising in the area in which the question arose.

#### *Duties of practitioner*

7.—(1) If the condition of a patient is such as to require treatment which is not within the scope of the practitioner's obligations under these terms of service, but such

treatment is to the knowledge of the practitioner available as part of the hospital and specialist services, the practitioner shall inform the patient of the fact and if the patient so wishes the practitioner shall take all necessary steps to enable him to receive such treatment. When referring a patient to the hospital and specialist services the practitioner shall give adequate particulars in writing either beforehand or as soon as possible afterwards. The practitioner shall also give his patients such advice or assistance as he may consider appropriate to enable them to take advantage of the local health authority services and maternity medical services.

(2) If the condition of a patient is such as to require the supplementary ophthalmic services, the practitioner shall if so desired furnish him with a recommendation for such services on a form provided by the Council for the purpose.

(3) (a) A practitioner shall attend and treat any patient who attends for the purpose at the places and during the hours for the time being approved by the Council under paragraph 9 of these terms of service except a patient who attends when an appointment system is in operation and who has not previously made, and is not given, an appointment to see the practitioner then. In such a case, the practitioner may decline to attend the patient during that surgery period if the patient's health would not thereby jeopardised and the patient is offered an appointment to attend within a reasonable time having regard to all the circumstances. The practitioner shall take all reasonable steps to ensure that a consultation is not so deferred without his knowledge.

(b) A practitioner shall inform the Council of his intention to operate an appointment system: provided that a practitioner who immediately before 1st October 1966 operates such a system, or who succeeds to a practice where such a system is in force, or joins a partnership operating such a system shall only be required to notify the Council in writing of that fact.

(4) A practitioner is required to provide proper and sufficient consulting and waiting room accommodation for his patients, having regard to the circumstances of his practice, and such accommodation shall not, except with the consent of the Council, or on appeal, of the Secretary of State, be in premises occupied by a chemist.

(5) The practitioner shall at all reasonable times admit any member or officer of the Council or the Local Medical Committee authorised for the purpose by the Council, to any consulting or waiting room of the practitioner for the purpose of inspecting the said consulting or waiting room, provided that on each occasion a prior request in writing has been made to him.

(6) A practitioner is required to visit and treat a patient whose condition so requires at any place where under the terms of his application for inclusion in the medical list or otherwise he is under an obligation to visit such patient.

(7) A practitioner is required to issue to a patient or his personal representative free of charge any of the certificates described in the first column of Schedule 5 to these regulations, being a certificate which is reasonably required by him under or for the purposes of any enactment specified in the second column of the said schedule opposite the description of the certificate in the first column; and any certificate which a practitioner is required to issue for the purposes of the National Insurance Acts 1965 and 1966(a) shall be issued in accordance with any regulations made or having effect under those Acts:

Provided that a practitioner shall not be required to issue a certificate where the patient is receiving treatment otherwise than from, or under the supervision of a medical practitioner.

(8) (a) A practitioner, except when providing maternity medical services, is responsible for providing the services of another practitioner for the administration of an anaesthetic, when necessary, in connection with any service or operation on his patient undertaken by him under these terms of service, whenever such administration does not involve the application of special skill or experience of a degree or kind which general practitioners as a class cannot reasonably be expected to possess.

(b) A practitioner providing maternity medical services is responsible for providing the services of another practitioner for the administration of an anaesthetic when necessary in connection with any operation performed by him on his patient and undertaken by him under these terms of service.

(9) (a) A practitioner is required to supply to a patient such drugs and appliances as are required for immediate administration or application or for use before a supply can be obtained otherwise under the regulations.

(b) A practitioner may supply any other drug which is administered by him in person, or a pessary specified in Part I of Schedule 3.

(c) A practitioner shall supply all requisite drugs and prescribed appliances to any patient to whom the Council have required him to supply drugs and appliances under regulation 30 of the regulations.

(d) A practitioner shall comply with any arrangements made by the Secretary of State, or made by the Council after consultation with the Local Medical Committee and the Local Pharmaceutical Committee and approved by the Secretary of State, under which he may obtain and have available any drugs or appliances which he is required or entitled to supply in terms of this paragraph.

(e) A drug supplied by a practitioner unless administered in person shall be supplied in a suitable container.

(10) A practitioner is required to order, by completing a form provided by the Council for the purpose, such drugs and prescribed appliances (other than those which he supplies under the preceding sub-paragraph) as are requisite for any treatment given to a patient under these terms of service. The order shall be signed by the practitioner with his own hand, and shall not be written in such a manner as to necessitate reference on the part of the person supplying the drugs or appliances to a previous order and, in the case of an appliance which requires to be of a size suitable for the individual patient, shall include the necessary measurements. The forms provided by the Council shall not be used for persons other than patients for whose treatment the practitioner is responsible under these terms of service, and a separate form shall be used for each patient.

(11) Where a practitioner provides general medical services for pupils at a school or for inmates of any residential institution or for the staff of a school or any such institution, he shall on signing such person's medical card or form or application for acceptance indicate that person's status at such school or institution, and if the Council, after consultation with the Local Medical Committee, request him to give the names of persons on his list who are pupils or staff of such school or institution on a specific date, he shall within one month give such particulars to the Council.

(12) A practitioner is required—

(a) to keep records of the illnesses of his patients and of his treatment of them in such form as the Secretary of State may from time to time determine after consultation with an organisation which is in his opinion representative of the general body of medical practitioners;

(b) to forward such records to the Council when called for, with reasonable promptness; and

(c) upon knowledge of the death of a person on his list to forward such record to the Council within seven days:

Provided that the records to be kept by a practitioner providing maternity medical services shall contain such particulars, including particulars of the services rendered by the practitioner, as may be determined by the Secretary of State after consultation as aforesaid.

(13) A practitioner is required—

(a) to furnish in writing to the medical officer within such reasonable period as the latter may specify any information which he may require with regard to the case of any patient to whom the practitioner has issued or declined to issue a medical certificate;

(b) to meet the medical officer, at his request, for the purpose of examining in consultation any patient in respect of whom the practitioner has sought the advice of the medical officer; and

(c) to make available to the medical officer, upon notice being given, the records kept by the practitioner under these terms of service, and to furnish to the medical officer any information desired by him with regard to any entry therein, or with regard to any prescription or certificate issued by the practitioner under these terms of service.

*Deputies, assistants and partners*

8.—(1) (a) Subject to the provisions of sub-paragraph (1) (b) hereof a practitioner shall give treatment personally.

(b) If reasonable steps are taken to ensure continuity of treatment the practitioner shall be under no obligation to give treatment personally and such treatment may be given.

(i) by a partner or assistant;

(ii) by a deputy; or

(iii) if it is treatment which it is reasonable in the circumstances to delegate to a member of his staff, being a person who is competent to carry out such treatment, by such member.

(2) A practitioner shall make all necessary arrangements for securing the treatment of his patients. He shall inform the Council of any standing deputising arrangements and, when he proposes to be absent from his practice for more than a week, of the names of the practitioner or practitioners responsible for his practice during his absence.

(3) (a) A practitioner shall not, except with the consent of the Council, at any time employ an assistant to attend his patients unless such employment is for a period of less than three months in any period of twelve months; and where such consent has been given it shall be subject to periodical review and may be withdrawn by the Council:

Provided that where the Council refuse to give their consent to the employment of an assistant by a practitioner, the practitioner may appeal against such refusal to the Scottish Medical Practices Committee by sending to the Committee notice of appeal within seven days or such longer period as the Committee may allow from the date on which the Council intimate to him refusal of consent and the Committee after such inquiry as they may think necessary shall determine the appeal.

(b) The name of any assistant employed by a practitioner shall be notified by him to the Council as soon as possible.

(4) A practitioner shall not, without the consent of the Secretary of State, employ as a deputy or assistant any practitioner who is disqualified for inclusion in the medical list of the Council concerned under section 43 of the Act.

(5) A practitioner acting as deputy shall be entitled to treat patients at places or at times other than those arranged by the practitioner for whom he is acting, due regard being had to the convenience of the patients.

(6) A deputy or assistant (other than a partner or assistant whose name is included in the medical list) shall, in addition to signing with his own name any certificate, prescription form or other document issued by him under these terms of service, insert therein if it does not already appear the name of the practitioner for whom he is acting as deputy or assistant.

(7) A practitioner is responsible for all acts and omissions of any practitioner acting as his deputy or assistant or of any other member of his staff in relation to his obligations under these terms of service, other than the acts and omissions of a deputy whose name is also included in the medical list.

(8) For the purposes of this paragraph the word "partner" shall include any partner who is otherwise deemed under the regulations to be an assistant and the word "assistant" shall not include such a person.

(9) A practitioner whose name is included in the medical list acting as deputy to another practitioner whose name is also included in the list shall be responsible for his acts and omissions in relation to the obligation under the terms of service of the practitioner for whom he acts as deputy.

*Arrangements for practice*

9. A practitioner shall obtain the consent of the Council (who shall consult the Local Medical Committee), or on appeal, of the Secretary of State, to the places where and the times during which he is available for consultation (whether or not he operates an appointment system) and to any changes in them. Consent may be given subject to such conditions as seem necessary to the Council or the Secretary of State to enable the practitioner to carry out his obligations under these terms of service and to a

condition that the practitioner informs his patients, at his own expense, of any special arrangements for the conduct of his practice or of any changes in his practice arrangements.

#### *Acceptance of fees*

10.—(1) A practitioner shall not demand or accept any fee or remuneration, other than payments due to him under the regulations, in respect of any treatment rendered, or any drug or appliance supplied, whether under these terms of service or not, to a patient of his or of his partner or assistant: Provided that nothing in this paragraph shall debar a practitioner from demanding and accepting a fee or other remuneration—

- (a) under paragraph 5 of these terms of service;
- (b) from any statutory body in respect of services rendered for the purpose of that body's statutory functions;
- (c) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body as to any administrative action they might take;
- (d) for treatment not included within the range of service defined in paragraph 6 given—

(i) in special accommodation for private patients set aside in a hospital in accordance with section 5 of the Act, or

(ii) in a registered nursing home, not being a hospital providing hospital and specialist services under the Act,

if in either case the practitioner is serving on the staff of a hospital providing hospital and specialist services as a specialist providing treatment of the kind required by the patient and within seven days after the date on which the treatment is given he furnishes the Council, on a form to be supplied by them for the purpose, with such particulars relating to the service rendered as they may require;

- (e) under section 213 of the Road Traffic Act 1960(a);
- (f) from a dental practitioner in respect of the provision at his request before 1st January 1967 of an anaesthetic for a person for whom that dental practitioner is providing general dental services;
- (g) from a partner or assistant in respect of the provision of an anaesthetic to a patient of the partner or assistant;  
and with effect from 1st January 1967—
- (h) for either the prescribing of a contraceptive drug or the prescribing and fitting of a contraceptive appliance, where the drug or appliance is not necessary to preserve the patient's physical or mental health, so however that no remuneration shall be demanded or accepted for an examination or advice connected with such prescribing and fitting;
- (i) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings which the police are minded to bring against him;
- (j) for treatment consisting of an immunisation in connection with travel abroad when no fee is payable by the Council under the Statement referred to in Regulation 31(1);
- (k) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical grounds.

(2) A practitioner shall take all practicable steps to ensure that any partner, deputy or assistant of his, whether or not such partner, deputy or assistant is providing general medical services, shall not demand or accept any fee or other remuneration in respect of treatment rendered, or any drug or appliance supplied, to the practitioner's patients, unless the partner, deputy or assistant would have been entitled to charge if the patient had been on his own list.

(3) In this paragraph the expression "treatment" includes the provision of personal medical services during and following pregnancy and labour in respect of conditions arising therefrom.



*Methods of altering terms of service; withdrawals from the medical list*

11.—(1) The Council may, with the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration. Such notice shall be given to each practitioner, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or regulation or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of medical practitioners, the Council shall, before making an alteration, consult with the Local Medical Committee, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice of the proposed alteration shall be given to the Local Medical Committee only, the Council shall give notice to the Local Medical Committee, and notice shall in that case be deemed to have been given to each practitioner.

12. A practitioner is entitled at any time to give notice to the Council that he desires to withdraw his name from the medical list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act that the continued inclusion of a practitioner in the medical list would be prejudicial to the efficiency of the general medical services, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to have his name removed from the list pending the termination of the proceedings on such representations.

13. Where the Council, after consultation with the Local Medical Committee, are satisfied that owing to the continued absence or bodily or mental disability of a practitioner his obligations under the terms of service are not being adequately carried out, they may with the consent of the Secretary of State give notice to the persons on his list that the practitioner is for the time being in their opinion not in a position to carry out his obligations under the terms of service, or they may, after consultation with the Local Medical Committee, make such arrangements as the Secretary of State may approve including the appointment of a deputy for and on behalf of the practitioner, and may deduct the cost of the arrangements in part or in whole from the remuneration of the practitioner:

Provided however that during any period in which the practitioner is performing relevant service in an emergency recognised by the Secretary of State for the purposes of these regulations, the Council shall, if they appoint such a deputy, deduct the cost of the arrangements from remuneration of the practitioner.

*Disputes, appeals, etc.*

14. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal)(Scotland) Regulations 1948:—

- (a) the investigation of questions arising between practitioners and their patients and other investigations to be made by the medical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from the practitioner where there has been a breach of the terms of service;
- (b) appeals to the Secretary of State from decisions of the Council;
- (c) the investigation of cases of alleged excessive prescribing;
- (d) decisions as to treatment for which fees may be charged;
- (e) the determinations of the question whether a substance is a drug.

*Issue of notices to practitioners*

15. Any notice which the Council are required or authorised by these terms of service to give to a practitioner shall be sufficiently given if it has been sent by post or

delivered to or at the address which the practitioner has last notified to the Council as being his place of residence.

**PART II**

**FORM OF APPLICATION FOR INCLUSION IN MEDICAL LIST**

To the Executive Council for.....

I.....

date of birth....., residing at

.....  
(private address)

a registered medical practitioner included in the medical register in that name and having the following medical qualifications, namely.....

.....(date of qualification.....19.....)

\*and the particulars of my service under the National Service Acts being as follows

.....  
apply to be included in the list of medical practitioners providing

†including  
†general medical services \_\_\_\_\_ maternity medical services  
†excluding

†general medical services, such services being limited to maternity medical services for persons in the Council's area and if my application is granted I accept service under, and agree to be bound by, the terms of service for the time being in operation in that area.

†I do not intend to practise in partnership.

†I intend to practise in partnership. The names of my partners are:—

.....  
†I intend to act as an assistant to.....

The district or districts within which if my application is granted I undertake to visit patients and particulars of my consulting hours are given below.

I also undertake to visit at the place at which they were residing at the date on which they were placed on my list, any patients who at that date resided outside the said district or districts.

|          |                                 |                                 |
|----------|---------------------------------|---------------------------------|
| District | †Address of<br>Consulting Rooms | Days and hours of<br>attendance |
|----------|---------------------------------|---------------------------------|

Signed.....

Date.....

\*Applicants who are not liable for service under the National Service Acts should delete this clause.

†Delete if inappropriate.

†NOTE.—An applicant for admission to a medical list is not required to commit himself to the purchase or tenancy of consulting accommodation before the result of his application is known, but he should have some particular premises in mind and a reasonable certainty of being able to secure them if required.

## SCHEDULE 2

FORM OF CERTIFICATE TO BE ISSUED BY SCOTTISH MEDICAL PRACTICES COMMITTEE UNDER SECTION 36(9) OF THE NATIONAL HEALTH SERVICE (SCOTLAND) ACT 1947

WHEREAS..... has applied to the Scottish Medical Practices Committee under section 36(9) of the National Health Service (Scotland) Act 1947 for their opinion as to whether the proposed transaction or series of transactions described in the schedule hereto, which sets out all material circumstances disclosed to the Committee, involves the sale of the goodwill or any part of the goodwill of a medical practice which it is unlawful to sell by virtue of that section; AND WHEREAS the Committee have considered the application:

NOW THEREFORE the Scottish Medical Practices Committee hereby certify that they are satisfied that the said transaction or series of transactions does not involve such a sale as aforesaid.

## SCHEDULE

Dated this..... day of..... 19.....

Signature of the chairman or  
other member authorised by  
the Committee for the purpose. }

## SCHEDULE 3

## PART I

## LIST OF APPLIANCES

- |   |  |
|---|--|
| Animal Wool   | Colostomy apparatus:   |
| Applicators as specified in the Drug Tariff   | for repairs and replacements only  |
| Armslings   | Corn and bunion plasters and rings   |
| Atomisers, hand operated  | Cotton wool:   |
|   | absorbent  |
|   | grey   |
|   | medicated  |
| Bandages:   | Douches, with rectal and vaginal fittings  |
| calico  | Dressings  |
| cotton or rayon and elastic   | Droppers, when required for the proper administration of any drug forming part of general medical services |
| crepe   |  |
| domette   | Elastic hosiery:   |
| elastic adhesive  | anklets  |
| flannel   | knee leggings  |
| indiarubber   | knee stockings   |
| many-tailed   | kneecaps   |
| open weave  | leggings   |
| plaster of paris  | stockings  |
| suspensory, cotton  | thigh kneecaps   |
| T-shape   | thigh leggings   |
| triangular  | thigh pieces   |
| tubular gauze—for order on Form E.C. 10A only   | thigh stockings  |
| zinc paste  | Eye baths  |
| Breast relievers  | Eye ointment rods  |
| Breast shields  | Eye shades   |
| Brushes, when required for the proper administration of any drug forming part of general medical services | Finger cots  |
|   | Finger stalls  |
|   | Funnels, as specified in the Drug Tariff   |
| Catheters:  | Gauzes:  |
| urethral:   | medicated  |
| gum elastic } and lubricant for use   | unmedicated  |
| soft rubber } therewith   |  |
| Cellulose tissue  | Gauze and cotton tissue:   |
| Cellulose wadding   | medicated  |
| Chirophydy felt   | unmedicated  |

Hypodermic needles  
Hypodermic syringes

Ice bags:  
check sheeting  
indiarubber  
incontinence pads as specified in the  
Drug Tariff

Inhalers:  
earthenware (Nelson)

Insufflators

Irrigators:  
eye  
nasal

Lints:  
medicated  
unmedicated

Masks, when the wearing of a mask is a  
necessary part of treatment during  
exposure to smoke-polluted fog of a  
patient who is suffering from cardiac  
disease or respiratory disease

Metatarsal Pads

Nipple shields other than lead nipple  
shields

Orthopaedic felt—for order on  
Form E.C. 10A only

Oxygen equipment

Pessaries:  
ring  
fluid ring  
Hodge's  
stem

Plasters:  
adhesive  
elastic

Protectives:  
battiste  
gutta percha tissue  
jaconet  
oiled cambric  
oiled rayon  
oiled silk

Rectal dilators  
Rubber tubing

Splints:  
rigid splints including Gooch and  
Kramer splinting and poroplastic but  
excluding walking caliper splints,  
surgical boots, foot supports worn  
with boots and shoes, elbow and  
knee cage splints and Howard Marsh  
knee splints

Sponge rubber

Sputum flasks

Stockinette, as specified in the Drug  
Tariff

Suprapubic belts and parts thereof:  
for repairs and replacements only

Syringes:

ear  
enema  
urethral

Tampons

Test Tubes

Tow

Trusses:

femoral  
inguinal  
scrotal  
umbilical

Urinals, portable

Urine Sugar Analysis Set, as specified in  
the Drug Tariff

Vaccination pads

Vaporisers, as specified in the Drug  
Tariff

## PART II

### CHEMICAL REAGENTS

Albumen test diagnostic strips

Benedict's Solution (Qualitative)

Compounds required for oral  
administration for the purpose of  
Cholecystographic examination

Diagnostic Nitroprusside Tablets

Diagnostic Solution—Tablets of Copper  
Diagnostic tablets for the detection of  
blood in urine

Fehling's Solution

Gerhardt's Reagent

Glycosuria detection strips

Indicators required for measurement of  
pH value of urine

Litmus Papers

Phenylketonuria detection strips

Proteinuria detection strips

Rothera's Reagent

Strong Solution of Ammonia

## SCHEDULE 4

## PART I

TERMS OF SERVICE FOR CHEMISTS PROVIDING PHARMACEUTICAL SERVICES  
ELSEWHERE THAN AT A HEALTH CENTRE*Interpretation*

1. In these terms of service, unless the context otherwise requires,
  - "the Act" means the National Health Service (Scotland) Act 1947;
  - "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966;
  - "chemist" means a registered pharmaceutical chemist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933, who provides pharmaceutical services, and the terms of service shall also apply to any other person, firm or body corporate (other than a medical or dental practitioner) providing pharmaceutical services as if that person, firm or body were a chemist as so defined;
  - "appliances" in relation to appliances ordered by a medical practitioner means appliances specified in Part I of Schedule 3 to the regulations;
  - "Council" means the Executive Council constituted for any area; and
  - "drugs" includes medicines and such chemical reagents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in Schedule 3 to the National Health Service (General Dental Services) (Scotland) Regulations 1955(a).

*Incorporation of provisions of regulations, etc.*

2. Any provisions of the regulations and Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948, and any scheme made thereunder affecting the rights and obligations of chemists shall be deemed to form part of these terms of service.

*Provision of pharmaceutical services*

3.—(1)(a) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(b) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

(c) A chemist shall supply in a suitable container any drugs which he is required to supply under this paragraph.

(2) All drugs and preparations supplied by chemists shall, where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex, or the Drug Tariff, conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(3) Any drugs, preparations or appliances supplied under this paragraph shall conform to the requirements of the order on the prescription form, subject only to the provision of any regulations in force under section 10(7) of the Weights and Measures Act 1963(b).

(4) A chemist shall not give, promise or offer to any person any gift or reward (whether by way of a share of or dividend on the profits of the business or by way of

discount or rebate or otherwise) as an inducement to or in consideration of his presenting an order for drugs or appliances on a prescription form provided by the Council.

#### *Place and hours of business*

4.—(1) Pharmaceutical services shall be provided at the place or places of business specified in the application made by the chemist for inclusion in the Council's list, and the place or places shall be open for the supply of pharmaceutical services during the hours specified in the scheme to be made by the Council for that purpose under the regulations.

(2) At each place of business at which pharmaceutical services are provided there shall be exhibited a notice to be provided by the Council in the form prescribed in Part V (or Part VI) of this Schedule. There shall also be exhibited at each place of business of a registered pharmaceutical chemist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933, at times when that place of business is not open, and in such a manner as to be visible at such times, a notice in a form approved by the Council indicating the facilities available for securing the dispensing of medicines urgently required.

(3) Pharmaceutical services shall not, except with the consent of the Council, or, on appeal, of the Secretary of State, be provided by a chemist in premises occupied by a medical practitioner.

#### *Dispensing of medicines*

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist or by a person who for three years immediately prior to the sixteenth day of December 1911, acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act 1925(a), unless he holds a licence for the purpose.

#### *Names of registered pharmaceutical chemists*

6. A chemist shall, if so required by the Council, furnish to the Council the name or names of registered pharmaceutical chemists employed by him in dispensing medicines for persons receiving general medical or general dental services.

#### *Drugs, etc. to be supplied without charge*

7. All drugs, containers and appliances supplied under these terms of service shall be supplied to the person presenting the order, without payment by him of any charge other than such charges as are specified in the regulations: Provided that where a chemist supplies an oxygen container or oxygen equipment, other than equipment specified in the Drug Tariff as not returnable to the chemist, the container and equipment shall remain the property of the chemist who shall have no claim against the Council in the event of the loss of, or damage to, such container or equipment except as may be provided in the Drug Tariff.

#### *Method of payment*

8.—(1) A chemist is required to furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

(2) The Council shall, if any chemist so requires, afford him reasonable facilities for examining all or any of the forms on which the drugs or appliances supplied by him were ordered, together with particulars of the amounts calculated to be payable in respect of such drugs and appliances and if he takes objection thereto, the Council shall take such objection into consideration.

(3) The Council shall, if so required by the Local Pharmaceutical Committee or any organisation which is, in the opinion of the Secretary of State, representative of the general body of chemists, afford the Local Pharmaceutical Committee or the said organisation similar facilities for examining such forms and particulars relating to all or any of the chemists and shall take into consideration any objection made thereto by the Local Pharmaceutical Committee or the said organisation.

(4) Payment will be made for drugs and appliances in the Drug Tariff at the prices specified therein and for drugs or appliances not in the tariff in the manner set forth therein. The payment to be made for containers and in respect of dispensing fees shall be calculated in the manner set forth in the tariff.

(5) If the Secretary of State, after consultation with such organisation as is mentioned in sub-paragraph (1) of this paragraph, and with the Drug Accounts Committee constituted under the National Health Service (Drug Accounts Committee) (Scotland) Order 1948(a) is satisfied at any time that the method of payment hereinbefore provided for in this paragraph is such that undue delay in payment may be caused thereby, he may direct that the amounts to be payable to a chemist shall be calculated by such other method, whether by averaging the amounts payable to a chemist or otherwise, as appears to him designed to secure that—

(a) payment may be made within a reasonable time; and

(b) that payments to a chemist shall, as nearly as may be, remain the same as if the payments had been calculated in accordance with the first mentioned method of payment,

and payments calculated by any such other method shall be deemed for all purposes to be payments made in accordance with these regulations.

#### *Revision of terms of service*

9.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration. Such notice shall be given to each chemist, save as is provided in sub-paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the Council shall, before making an alteration consult with the Local Pharmaceutical Committee, and the alteration shall not come into operation within a period of three months from the date of the issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee and notice shall thereby be deemed to have been given to each chemist.

#### *Withdrawal from pharmaceutical list*

10.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of such shorter period as the Council may agree: Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(2) The name of any chemist whose business is carried on by representatives in accordance with the provisions of the Pharmacy and Poisons Acts 1852 to 1933, shall not be removed from the list so long as the business is carried on by them in accordance with the provisions of those Acts, and the representatives agree to be bound by the terms of service of the chemist.

*Disputes, appeals, etc.*

11. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948:—

- (a) the investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;
- (b) appeals to the Secretary of State from decisions of the Council.

**PART II**

**TERMS OF SERVICE FOR CHEMISTS PROVIDING  
PHARMACEUTICAL SERVICES AT A HEALTH CENTRE**

*Interpretation*

1. In these terms of service, unless the context otherwise requires,
  - “the Act” means the National Health Service (Scotland) Act 1947;
  - “the regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966;
  - “chemist” means a registered pharmaceutical chemist or authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933, who provides pharmaceutical services at a health centre;
  - “appliances” in relation to appliances ordered by a medical practitioner means appliances specified in Part I of Schedule 3 to the regulations;
  - “Council” means the Executive Council constituted for any area;
  - “drugs” includes medicines and such chemical reagents as are or may be prescribed, and in relation to drugs ordered by a dental practitioner means the drugs specified in Schedule 3 to the National Health Service (General Dental Services) (Scotland) Regulations 1955; and
  - “health centre” means premises provided by the Secretary of State in accordance with the provisions of section 15 of the Act.

*Incorporation of provisions of regulations, etc.*

2. Any provisions of the regulations and of Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948, and any scheme made thereunder affecting the rights and obligations of chemists shall, so far as they are applicable, be deemed to form part of these terms of service.

*Provision of pharmaceutical services*

3.—(1) (a) A chemist shall supply with reasonable promptness to any person who presents an order for drugs or appliances on a prescription form provided for the purpose by a Council and signed by a practitioner on the medical list of a Council or by his deputy or assistant such drugs or appliances as may be so ordered.

(b) A chemist shall supply with reasonable promptness to any person who presents an order for a drug on a prescription form provided for the purpose by a Council and signed by a dental practitioner on the dental list of a Council or by his deputy or assistant such drug as may be so ordered.

(c) A chemist shall supply in a suitable container any drugs which he is required to supply under this paragraph.

(2) All drugs and preparations supplied by chemists shall, where a standard or formula is specified in the British Pharmacopoeia, the British Pharmaceutical Codex or the Drug Tariff, conform to the standard or formula so specified, and in any other case shall be of a grade or quality not lower than the grade or quality ordinarily used for medical purposes.

All appliances supplied by chemists shall where a specification is included in the British Pharmaceutical Codex or the Drug Tariff conform to that specification or be



of a grade or quality not inferior thereto, and in any other case shall conform to the ordinarily recognised standards of good quality.

(3) Any drugs, preparations or appliances supplied under this paragraph shall conform to the requirements of the order on the prescription form, subject only to the provision of any regulations in force under section 10(7) of the Weights and Measures Act 1963.

(4) A chemist shall perform at a health centre such other duties as a chemist may reasonably be expected to perform.

(5) A chemist shall not provide at a health centre services other than pharmaceutical services under these terms of service.

#### *Attendance*

4. A chemist shall attend at a health centre on such days and at such hours as may be agreed between the Council and the chemist.

#### *Dispensing of medicines*

5.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist or by a person who for three years immediately prior to the sixteenth day of December 1911 acted as a dispenser to a medical practitioner or a public institution.

(2) A chemist shall not dispense a prescription requiring the manufacture by him of a substance scheduled under the Therapeutic Substances Act 1925, unless he holds a licence for the purpose.

#### *Remuneration*

6.—(1) The Council shall pay to the chemist such remuneration in respect of his obligations under these terms of service as the Secretary of State may from time to time determine.

(2) A chemist shall not suggest, demand or accept from any person to whom he is providing pharmaceutical services or from any other person the payment of any fee or remuneration in respect of any pharmaceutical services which he is required to give under these terms of service.

#### *Records, etc.*

7.—(1) A chemist shall keep such records relating to the provision of services under these terms of service as the Secretary of State may require, and shall if required to do so produce such records to the Secretary of State.

(2) A chemist shall furnish to the Council or to such other person or body as they may direct, on dates to be appointed by the Secretary of State, the forms upon which the orders for drugs and appliances supplied by him were given, arranged in such manner as the Council may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Council, with the approval of the Secretary of State, may from time to time require.

#### *Revision of terms of service*

8.—(1) The Council may, subject to the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving notice of the proposed alteration to each chemist providing pharmaceutical services at a health centre within the area of the Council, save as is provided in sub paragraph (3) of this paragraph.

(2) Except in the case of an alteration which results from the coming into operation of any Act of Parliament or which has been approved by the Secretary of State after consultation with an organisation which is in his opinion representative of the general body of chemists, the Council shall before making an alteration consult with the Local Pharmaceutical Committee, and the alteration shall not come into operation within a period of three months from the date of issue of the notice.

(3) If in the case of any alteration the Secretary of State after consultation with such an organisation as aforesaid directs that notice shall be given to the Local

Pharmaceutical Committee only, the Council shall give notice to the Local Pharmaceutical Committee, and notice shall thereby be deemed to have been given to each chemist providing pharmaceutical services at a health centre in the area of the Council.

*Termination of service*

9.—(1) A chemist is entitled at any time to give notice to the Council that he desires to withdraw his name from the list and his name shall be removed therefrom at the expiration of three months from the date of such notice or of shorter period as the Council may agree:

Provided that if representations are made to the Tribunal under the provisions of section 43 of the Act that the continued inclusion of a chemist in the list would be prejudicial to the efficiency of the service, he shall not, except with the consent of the Secretary of State and subject to such conditions as the Secretary of State may impose, be entitled to withdraw his name from the list pending the termination of the proceedings on such representations.

(2) Any arrangement between the Council and a chemist for the provision of services at a health centre may be terminated by either party giving to the other three months' notice in writing:

Provided that if the chemist shall fail to comply with any of these terms of service the Council may terminate the arrangement by giving him one month's notice in writing.

(3) The Council may at any time suspend a chemist from the discharge of his duties, but such suspension shall not affect the right of the chemist to receive remuneration during the continuance thereof.

*Disputes, appeals, etc.*

10. The terms of service relating to the following matters are contained in Part II of the National Health Service (Medical and Pharmaceutical Service Committees and Tribunal) (Scotland) Regulations 1948:—

- (a) the investigation of complaints made by or on behalf of persons receiving general medical and general dental services against chemists and other investigations to be made by the pharmaceutical service committee and the joint services committee and the action which may be taken by the Council as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;
- (b) appeals to the Secretary of State from decisions of the Council.

**PART III**

**FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST  
FOR USE BY REGISTERED PHARMACEUTICAL CHEMISTS AND  
AUTHORISED SELLERS OF POISONS**

*National Health Service*

To the Executive Council for.....

I (we) ..... of .....

..... hereby undertake to dispense medicines and supply drugs and appliances under the terms for the time being in operation in the area of the Council, and apply to have my(our) name(s) included in the Council's pharmaceutical list. My (our) place(s) of business for this purpose will be .....

The registered pharmaceutical chemist(s) in charge at this (these) place(s) of business is (are) .....

Registration Number(s).....

Signed .....

Date .....

## PART IV

FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST  
FOR USE BY PERSONS OTHER THAN REGISTERED PHARMACEUTICAL CHEMISTS  
AND AUTHORISED SELLERS OF POISONS*National Health Service*

To the Executive Council for.....

I (we)..... of .....

..... hereby undertake

\*(a) to supply drugs (except poisons in Part I of the Poisons List);

\*(b) to supply appliances;

under the terms for the time being in operation in the area of the Council, and apply  
to have my (our) name(s) included in the Council's pharmaceutical list. My (our)  
place(s) of business for this purpose will be .....

Signed .....

Date .....

\*Delete (a) or (b) where necessary.

## PART V

FORM OF NOTICE TO BE EXHIBITED BY REGISTERED PHARMACEUTICAL  
CHEMISTS AND AUTHORISED SELLERS OF POISONS*National Health Service*

(Name of person, firm or company contracting.)

Under contract with the Executive Council for.....

..... to dispense medicines and supply drugs and appliances.

These premises are open at the following times:—

## PART VI

FORM OF NOTICE TO BE EXHIBITED BY PERSONS OTHER THAN REGISTERED  
PHARMACEUTICAL CHEMISTS AND AUTHORISED SELLERS OF POISONS*National Health Service*

(Name of person, firm or company contracting)

Under contract with the Executive Council for.....

\*(a) to supply drugs (except poisons in Part I of the Poisons List).

\*(b) to supply appliances.

These premises are open at the following times:—

\*Delete (a) or (b) where necessary.

**SCHEDULE 5**  
**LIST OF MEDICAL CERTIFICATES**

| Medical Certificate   | Short title of enactment under or for the purposes of which certificate required   |
|---|--|
| To support a claim or obtain a payment, either personally or by proxy, under the enactments specified.  | Family Allowances Act 1965 (1965 c. 53).<br>National Insurance (Industrial Injuries) Acts 1946 to 1965.<br>National Insurance Acts 1965 and 1966 (1965 c. 51, 1966 c. 6).<br>National Assistance Acts 1948 to 1962   |
| To prove inability to work or incapacity for self-support for the purposes of an award by the Minister of Social Security.                      | Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (2 & 3 Geo. 6 c. 83).<br>Pensions (Mercantile Marine) Act 1942 (5 & 6 Geo. 6. c. 26).<br>Naval and Marine Pay and Pensions Act (28 & 29 Vict. c. 73).<br>Air Force (Constitution) Act 1917 (7 & 8 Geo. 5 c. 26). |
| To enable proxy to draw pensions, etc.  | Personal Injuries (Emergency Provisions) Act 1939 (2 & 3 Geo. 6. c. 82).<br>Polish Resettlement Act 1947 (10 & 11 Geo. 6. c. 19).  |
| To establish pregnancy for the purpose of obtaining welfare foods.  | Regulations 55 and 55AB of the Defence (General) Regulations 1939 as having effect by virtue of section 2 of the Emergency Laws (Repeal) Act 1959 (7 & 8 Eliz. 2. c. 19).  |
| To obtain permission to import certain foreign drugs and medicines.   | Import, Export and Customs Powers (Defence) Act 1939 (2 & 3 Geo. 6. c. 69).  |
| To enable sight-test to be obtained under the supplementary ophthalmic services.  | National Health Service (Scotland) Act 1947 (10 & 11 Geo. 6. c. 27).   |
| To establish fitness to receive nitrous oxide and air analgesia in childbirth.  | Midwives (Scotland) Act 1951 (14 & 15 Geo. 6. c. 53).  |
| To secure registration of a still-birth.  | Registration of Still-Births (Scotland) Act 1938 (1 & 2 Geo. 6. c. 55.)  |
| To enable payment to be made to an institution or other person in case of mental disorder of person entitled to payment from public funds.      | Section 138 of the Mental Health Act 1959 (7 & 8 Eliz. 2. c. 72).  |
| To establish unfitness for jury service.  | Jurors (Scotland) Act 1825 (6 Geo. 4. c. 22.)<br>Jurors (Enrolment of Women) (Scotland) Act 1920 (10 & 11 Geo. 5. c. 53).  |
| To establish unfitness to attend for medical examination.   | National Service Act 1948 (11 & 12 Geo. 6. c. 64).   |
| To support late application for reinstatement in civil employment or notification of non-availability to take up employment, owing to sickness. | Reinstatement in Civil Employment Act 1944 (6 & 7 Geo. 6. c. 15).<br>National Service Act 1948 (11 & 12 Geo. 6. c. 64).<br>Reinstatement in Civil Employment Act 1950 (14 & 15 Geo. 6. c. 10).   |
| To enable disabled person to be registered as an absent voter.  | Reserve and Auxiliary Forces (Training) Act 1951 (14 & 15 Geo. 6. c. 23).<br>Representation of the People Act 1949 (12, 13 & 14 Geo. 6. c. 68).  |

## SCHEDULE 6

## REGULATIONS REVOKED

| Time or Description  | S.I. Number and Volume Reference    |
|--|-------------------------------------|
| The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1955. | S.I. 1955/1942 (1955 I, p. 1418).   |
| — „ — Amendment Regulations 1956   | S.I. 1956/1319 (1956 I, p. 1606).   |
| — „ — Amendment No. 3 Regulations 1956   | S.I. 1956/2089 (1956 I, p. 1609).   |
| — „ — Amendment Regulations 1957   | S.I. 1957/1008 (1957 I, p. 1500).   |
| — „ — Amendment No. 2 Regulations 1957   | S.I. 1957/1446 (1957 I, p. 1503).   |
| — „ — Amendment Regulations 1958   | S.I. 1958/1769 (1958 II, p. 1560).  |
| — „ — Amendment No. 2 Regulations 1958   | S.I. 1958/2218 (1958 II, p. 1561).  |
| — „ — Amendment Regulations 1960   | S.I. 1960/2407 (1960 II, p. 2121).  |
| — „ — Amendment Regulations 1963   | S.I. 1963/590 (1963 I, p. 676).     |
| — „ — Amendment Regulations 1965   | S.I. 1965/1999 (1965 III, p. 5904). |

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These regulations consolidate the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1955 (as amended), and make further amendments.

The main amendments provide for:

- (a) notification to Executive Councils by medical practitioners of their intention to operate an appointment system for seeing patients and the inclusion in the medical list kept by Councils of information relating to the appointment system (Schedule 1, Part I, paragraph 7(3) and regulation 4 (3) (c));
- (b) the circumstances in which a medical practitioner operating an appointment system may decline to see patients without an appointment (Schedule 1, Part I, paragraph 7(3));
- (c) the method of payment of medical practitioners (regulation 31);
- (d) the treatment of patients other than by the practitioner personally if reasonable steps are taken to ensure continuity of treatment (Schedule 1, Part I paragraph 8(1)).
- (e) the acceptance of fees by practitioners for certain forms of treatment given to their patients (Schedule 1, Part I, paragraph 10(1)).