
 STATUTORY INSTRUMENTS

1974 No. 506 (S. 41)

NATIONAL HEALTH SERVICE, SCOTLAND
The National Health Service (General Medical and
Pharmaceutical Services) (Scotland) Regulations 1974

<i>Made - - - -</i>	<i>19th March 1974</i>
<i>Laid before Parliament</i>	<i>29th March 1974</i>
<i>Coming into Operation</i>	<i>1st April 1974</i>

ARRANGEMENT OF REGULATIONS

PART I
GENERAL

Regulation

1. Citation and commencement.
2. Interpretation.

PART II
DOCTORS

3. Terms of service for doctors.
4. Medical list.
5. Removal from medical list of names of doctors not providing services.
6. Application for inclusion in medical list.
7. Reports by Board to Medical Practices Committee.
8. Succession to vacant medical practices.
9. Exchange of practices.
10. Advertisement of vacancies.

PART III

SCOTTISH MEDICAL PRACTICES COMMITTEE

11. Appointment of members and tenure and vacation of office.
12. Procedure for the determination of applications.
13. Appeal to the Secretary of State.
14. Certificate that transaction does not involve sale of goodwill.

PART IV

GENERAL MEDICAL SERVICES OTHER THAN MATERNITY MEDICAL SERVICES

15. Selection of doctor.
16. Assignment of persons to doctors.

17. Limitation of number of persons in doctors' lists.
- 18-19. Change of doctor.
20. Temporary arrangements for practice on retirement, death, etc.
21. Removal of person from doctor's list.
22. Temporary residents.
23. Doctors' lists.

PART V

MATERNITY MEDICAL SERVICES

24. Application for services.
25. Change of doctor.
26. Temporary residents.

PART VI

PHARMACEUTICAL SERVICES

27. Terms of service for chemists.
28. Pharmaceutical list.
29. Schemes for securing proper pharmaceutical service.

PART VII

SUPPLY OF DRUGS, ETC., BY DOCTORS

30. Arrangements for supply by doctors of drugs and appliances.

PART VIII

PAYMENTS

31. Payments to doctors.
32. Payments to chemists and standards of drugs and appliances.

PART IX

MISCELLANEOUS

33. Publication of particulars.
34. Service of documents.
35. Exercise of choice of doctor or chemist in certain cases.
36. Revocations.

SCHEDULES

- SCHEDULE 1. Terms of service for doctors. •

PART I

GENERAL

Paragraphs

1. Interpretation.
2. Incorporation of provisions of regulations, etc.
3. Alteration of terms of service.
- 4-5. Persons for whose treatment the doctor is responsible.
6. Acceptance of patients.

7. Right of a doctor to have patient removed from his list.
8. Evidence of person's title to obtain treatment.
9. Service to patients.
10. Treatment of patients.
- 11-12. Absences, deputies, assistants and partners.
13. Arrangements at practice premises.
14. Practice area.
- 15-16. Prescribing and dispensing.
- 17-18. Records.
19. Reports to the medical officer.
20. Acceptance of fees.
- 21-22. Withdrawal from the medical list.

SCHEDULE 2. Form of certificate to be issued by the Scottish Medical Practices Committee under Section 36(9) of the National Health Service (Scotland) Act 1947.

SCHEDULE 3.

PART I

Terms of service for chemists (other than those employed by a Health Board at a health centre)

1. Interpretation.
2. Provision of pharmaceutical services.
3. Place and hours of business.
4. Dispensing of medicines.
5. Names of registered pharmaceutical chemists.
6. Drugs, etc., to be supplied without charge.
7. Method of payment.
8. Revision of terms of service.
9. Withdrawal from pharmaceutical list.
10. Incorporation of provisions.

PART II

Terms of service for chemists employed by a Health Board at a health centre

1. Interpretation.
2. Provision of pharmaceutical services.
3. Attendance.
4. Dispensing of medicines.
5. Remuneration.
6. Records, etc.
7. Revision of terms of service.
8. Termination of service.
9. Incorporation of provisions.

PART III

Form of application for inclusion in pharmaceutical list
for use by chemists

PART IV

Form of application for inclusion in pharmaceutical list
for use by persons other than chemists

PART V

Form of notice to be exhibited by chemists

PART VI

Form of notice to be exhibited by persons other than chemists

SCHEDULE 4. List of prescribed medical certificates

SCHEDULE 5. Provisions conferring powers exercised in making these regulations.

SCHEDULE 6. Regulations revoked.

In exercise of the powers conferred on me by the provisions set out in Column 1 of Schedule 5 to these regulations as amended by the provisions set out in Column 2 of the said Schedule, 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 1974, and shall come into operation on 1st April 1974.

Interpretation

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

“the Act” means the National Health Service (Scotland) Act 1947(a) as amended by subsequent enactments;

“the Act of 1972” means the National Health Service (Scotland) Act 1972(b);

“appliance” means an appliance which is a listed appliance within the meaning of section 40(1) of the Act;

“area” means in relation to a Board the area for which the Board is constituted;

“area dental committee” means the committee of that name for the area of a Board recognised under section 16 of the Act of 1972;

“area medical committee” means the committee of that name for the area of a Board recognised under section 16 of the Act of 1972;

“area pharmaceutical committee” means the committee of that name for the area of a Board recognised under section 16 of the Act of 1972;

“assistant” means a doctor who is acting as an assistant to a doctor on the medical list and for the purposes of paragraph 12 of Part I of Schedule 1 to these regulations shall include a trainee general practitioner;

(a) 1947 c. 27.

(b) 1972 c. 58.

“Board” means Health Board within the meaning of the Act of 1972;

“chemical reagent” means a chemical reagent which is included in a list for the time being approved by the Secretary of State for the purposes of section 40(1) of the Act;

“chemist” means a registered pharmacist within the meaning of the Medicines Act 1968^(a) who provides pharmaceutical services, or a person lawfully conducting a retail pharmacy business in accordance with section 69 of that Act who provides such services;

“doctor” means a fully registered medical practitioner;

“drugs” includes medicines and chemical reagents;

“Drug Tariff” has the meaning assigned to it in regulation 32 of these regulations;

“health centre” means premises provided by the Secretary of State in accordance with the provisions of section 2(1)(b) of the Act of 1972 to which section 2(2) of that Act applies;

“listed drugs” means such drugs and medicines as are included in a list for the time being approved by the Secretary of State for the purposes of section 40(1) 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 doctor 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 doctor, and shall include any similar card provided for a similar purpose under the National Health Insurance (Medical Benefit) Regulations (Scotland) 1938^(b);

“medical list” has the meaning assigned to it in regulation 4(1);

“medical officer” means a doctor in the service of the Secretary of State;

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

“practice area” means the area in which a doctor is under an obligation to visit patients either by virtue of his application for inclusion in the medical list or of any variation therein in accordance with the regulations or terms of service;

“relevant service” means whole-time service in the armed forces of the Crown in a national emergency as a volunteer or otherwise, or compulsory whole-time service in those forces, including service resulting from any reserve liability, or any equivalent service by a person liable for compulsory whole-time service in those forces;

“trainee general practitioner” means a doctor who is being trained in general practice under an arrangement approved by the Secretary of State;

“treatment” means medical attendance and treatment, and includes the issue of certificates referred to in Schedule 4 to the regulations being medical certificates reasonably required under, or for the purpose 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 doctor has undertaken by arrangement to provide such services to the woman concerned.

(a) 1968 c. 67.

(b) S.R. & O. 1938/609 (1938 II, p. 2379).

(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 Board, 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:

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

(4) The Interpretation Act 1889(a) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

PART II

DOCTORS

Terms of service for doctors

3. The arrangements which the Board are required by section 34 of the Act to make with doctors 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 Board shall prepare a list, to be called “the medical list”, of the doctors who are entitled to be included in the list.

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

(3) The medical list shall also show which doctors have been relieved of the responsibility to provide services during certain periods under paragraph 11 of the terms of service and against those doctors' names shall show the doctors with whom the Board have made arrangements for the provision of services during such periods.

(4) The medical list shall contain in addition to the name of a doctor—

(a) the address of each place where he undertakes to attend for the purpose of treating persons and the telephone number or numbers at which he is prepared to receive messages;

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

- (c) particulars of the days and hours during which he operates an appointment system;
- (d) where he practises in partnership, the name of each partner;
- (e) where he is acting as an assistant, the name of the principal;
- (f) any conditions as to his practice area attached to the granting of an application by the Medical Practices Committee or, on appeal, by the Secretary of State;

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

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

Removal from medical list of names of doctors not providing services

5.—(1) Where the Board have determined, in accordance with the provisions of this regulation, that a doctor whose name is included in the list of doctors undertaking to provide general medical services in the area of the Board, has for the six preceding months not provided such services for persons in the area, the Board shall, after giving the doctor 28 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 Board shall—

- (a) afford the doctor an opportunity of making representations to the Board in writing or, if he so desires, orally, to a committee appointed by the Board for the purpose, of which committee at least one-third of the members shall be doctors, and
- (b) consult the area medical committee.

(3) A doctor to whom notice has been given under paragraph (1) of this regulation may within 21 days of receiving such notice appeal to the Secretary of State against the decision of the Board and, pending the decision on any such appeal, the Board shall not remove the doctor's name from the list by reason of the determination against which appeal has been so lodged. The notice of appeal shall be in writing and shall set out the facts and contentions on which the doctor intends to rely. If the Secretary of State decides to allow the appeal, he shall direct the Board not to remove the name of the doctor from the list by reason of the determination appealed against.

(4) Nothing in this regulation shall affect a doctor who is performing a period of relevant service and no determination under this regulation shall be made in respect of any such doctor until six months after he has completed the said relevant service.

Application for inclusion in medical list

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

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

Reports by Board to Medical Practices Committee

7.—(1) The Board shall once in every year or at such more frequent intervals as the Medical Practices Committee may require, provide 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 Board or any part thereof.

(2) When the Board receive notice of the death of a doctor on the medical list or of the withdrawal or removal of a doctor from the medical list (otherwise than in the case where the doctor has given notice of desire to exchange his practice under regulation 9 of these regulations), the Board shall, not later than 14 days after the date of receipt of such notice, inform the Medical Practices Committee and shall, after consultation with the area medical committee furnish to the Medical Practices Committee a report as to the need for filling the vacancy.

Succession to vacant medical practices

8.—(1) When the Board receive notice of the death of a doctor on the medical list or of the withdrawal or removal of a doctor from the medical list the Board may, and if the Medical Practices Committee so direct shall, by advertisement in the press, invite applications from doctors desirous of succeeding to the practice in whole or in part.

(2) After consultation with the area medical committee, the Board may select a doctor or doctors to succeed to the practice in whole or in part and shall notify their decision to the Medical Practices Committee and to each doctor from whom they have received an application, 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 doctor, from whom the Board received an application may, within seven days of receipt of notification of the Board's decision, appeal to the Medical Practices Committee against that decision, and the Committee may direct that any appellant or appellants shall succeed to the practice in whole or in part instead of or in addition to any doctor selected by the Board.

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

(5) In a case where a successor to a practice has to be selected from a number of applicants, the Board and, in the case of an appeal in any such case, the Medical Practices Committee, shall have regard to any desire expressed by an applicant to practice with other doctors providing general medical services in the area and to any desire expressed by such other doctors to take any applicant into practice with them, and shall have special regard to these matters in cases where an applicant is a relative of any such other doctor.

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

Exchange of practices

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

(2) Where the Board agree as aforesaid, they shall inform both doctors and the Medical Practices Committee of their decision. Both doctors shall agree upon a date when the first doctor will cease to carry on his practice and the second doctor will commence practice and shall notify the Board of this date, provided that the date of exchange is not earlier than three months after such notification, unless the Board agree to an earlier date.

(3) Where the Board do not agree that the exchange should take place as aforesaid, they shall inform both doctors of their right of appeal to the Medical Practices Committee and either doctor with the consent in writing of the other 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 the appeals to the Medical Practices Committee shall be such as the Committee may determine.

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

(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 doctors have been notified that the Board have agreed or are deemed to have agreed to the exchange.

Advertisement of vacancies

10. A Board may after consultation with the area medical committee, and if directed by the Medical Practices Committee shall, by advertisement in the press invite applications from doctors 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 hereinafter 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 reappointed 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 and a member who is appointed on the basis that he is 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 in that office 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 the opinion that one or more doctors are required for the area or part of the area concerned and the number of applicants exceeds the number of doctors required they shall—

- (a) consider the views expressed by the Board after the latter have consulted the area medical committee with respect to the applications;
- (b) if they think fit, give to the applicants or any of them the opportunity to make representations to the Committee in person or in writing;
- (c) select the applicant or applicants whose applications are to be granted and forthwith inform them, the Board and the Secretary of State of their decision; and
- (d) inform any doctor 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 doctor 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 notice of appeal shall contain a statement of the facts and contentions upon which the appellant 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 determine the appeal summarily without a hearing and shall send his decision to the appellant, the Committee and the Board.

(4) If the Secretary of State is of the 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 Board and any doctor 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 Board may be represented at the hearing by any duly authorised member or official 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 report thereon to the Secretary of State, 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 send it to the appellant, the Committee, the Board and such doctors 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 doctor

15.—(1) Application by a person to a doctor 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 doctor for acceptance as a temporary resident shall be made in writing on a form supplied by the Board.

Assignment of persons to doctors

16.—(1) The Board shall delegate to a committee which shall include general practitioner members appointed by the area medical committee but which will have a majority of members who are members of the Board. the functions set out in this regulation.

(2) Such committee may authorise their chairman or any other member or members to exercise the power of assignment under the immediately succeeding paragraph in cases where assignment is necessary before a meeting of the committee can conveniently be held.

(3) If a person applies to the Board for assignment to a doctor, or is deemed to have applied in accordance with the provisions of paragraph 4(2) of the terms of service the Board shall assign him to such doctor as they think fit, and shall

forthwith inform the person and the doctor concerned, having regard to the distance between the person's residence and the practice premises of the doctors in the area and to such other circumstances as appear to them to be relevant.

(4) The Board may exempt from liability to have persons assigned to him any doctor who has applied to the Board for that purpose.

(5) The Board may grant to any doctor of a class mentioned in paragraph 5 of the terms of service the relief specified in that paragraph.

Limitation of number of persons in doctors' lists

17.—(1) Subject to paragraph (2) of this regulation, the maximum number of persons a doctor may have on his lists in all areas in which he provides general medical services (in addition to any persons for whom he has accepted responsibility under paragraph 11(2) of the terms of service) shall be:—

- (a) 3,500 for a doctor carrying on practice otherwise than in partnership;
- (b) 4,500 for a doctor carrying on practice in partnership subject to an average of 3,500 for each of the partners in the practice.

(2) Where a doctor (or the doctors carrying on practice in partnership) employs permanently one or more assistants, an addition of not more than 2,000 persons to the list in respect of each assistant, may, with the consent of the Board (or, on appeal, of the Medical Practices Committee), be allowed in the light of the circumstances of the particular case, any such addition in the case of a partnership being disregarded in calculating the average number of persons on the list of the partners for the purposes of subparagraph (1)(b):

Provided that—

- (i) where an assistant is included in a medical list the additional number which would otherwise be allowable to his principal in respect of him shall be reduced by the number of persons on his list.
- (ii) any additional number to the list allowed in respect of the employment of an assistant shall not apply during any period when no assistant is employed (but a period comprising a short interval between the departure of an assistant and the arrival of his successor may be ignored).

(3) A doctor who is dissatisfied with the decision of the Board respecting the extent to which the number of persons on 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 the date on which the Board intimate their decision to him, and the Committee after such inquiry as they may think necessary shall determine the appeal.

(4) Where the Board find the number of patients on the doctor's list to be in excess of the maximum number allowed in accordance with this regulation they shall notify the doctor who shall, within two months from the date on which the excess is notified to him, take steps to reduce his list to the maximum number allowed by—

- (a) entering into partnership; or
- (b) employing an assistant; or

(c) giving notice to the Board of the names of the necessary number of patients whom he wishes to have removed from his list under paragraph 7 of the terms of service.

(5) If at the end of the said period of two months the steps taken by the doctor have not resulted in the number of persons on his list being within the maximum number allowed, the Board shall remove from his list the necessary number of names.

(6) If a doctor gives notice under paragraph (4)(c) of this regulation or the Board require to take action under paragraph (5) of this regulation, the Board shall inform each person to be removed that he should apply to another doctor for acceptance.

(7) Where a doctor whose name is included in the medical list in respect of more than one address and who wishes to cease to practise at one such address and who has obtained the consent of the Board, or on appeal, of the Secretary of State, to this change, gives notice to the Board of his wish to have removed from his list the persons who would have attended for treatment at the address at which he will no longer practise the provisions of regulation 18(3), (4) and (5) shall apply, with the necessary modifications, and the Board shall take action accordingly.

(8) In carrying out their functions under this regulation the Board shall consult as necessary with the Board of any adjoining area whose medical list includes the doctor or doctors concerned:

Provided that if the Boards fail to agree on any matter the issue shall be determined by the Secretary of State.

(9) The Board may, in special circumstances, subject to the consent of the Secretary of State and to any conditions he may impose, permit a doctor or partnership to have on his list or their lists such greater number than the maximum number otherwise allowed under this regulation.

(10) Nothing in this regulation shall prevent a doctor from accepting persons who apply to him as temporary residents or exempt him from any liability under paragraph 4 of his terms of service.

Change of doctor

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

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

- (a) the doctor 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 Board of his desire to choose another doctor, has sent to the Board his medical card or, if such card for some sufficient reason cannot be so sent, an application for a new card on a form to be supplied by the Board, and has received from the Board a letter stating the date on and after which and the period within

which another doctor may accept him. The said letter shall be issued by the Board 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 Board, or where the medical card or completed form of application for a new card is not sent with the original notice or within seven days thereafter, seven days after the receipt by the Board of the medical card or completed form and the said period shall be 28 days after the aforesaid date. If a person is not accepted by a doctor within the aforesaid period the letter shall no longer authorise his acceptance.

(3) Where a doctor whose name is included in the medical list ceases to carry on his practice, the Board shall forthwith make known the fact by a public notice in the local press or otherwise and by individual notices sent to persons on the list of the doctor which shall state the right of each such person to apply to another doctor for acceptance.

(4) Where one or more doctors have been selected under the provisions of regulation 8 or 9 to succeed to a practice, and the names of any such practitioners are included in the medical list, the Board shall send to the persons on the list of the doctor who last carried on that practice 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 a 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 doctors, or have given notice in writing to the Board of their desire not to be so included.

(5) The terms of notices given under this regulation shall be determined by the Board after consultation with the area medical committee.

(6) A doctor 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 Board in writing that he has personally resumed practice. Where the Board have been so notified, they shall within seven days send a notice to every person whose name was on the doctor's list at the date of the beginning of such service who is still residing at the same address at which they were residing at such date and who have transferred to the list of another doctor. The Board's notice shall state that the former doctor has resumed practice and that the person's name will be restored to his list unless within fourteen days after the date of the notice that person gives notice in writing to the Board that he wishes his name to remain on the list of his present doctor. After the said period of fourteen days has elapsed, the Board shall inform the doctors concerned of the names of the persons who are restored to the list of the doctor who has resumed practice and shall also inform the other doctor only of the names of the persons who have elected to remain on his list.

19. Where a doctor has given notice to the Board in accordance with paragraph 7 of his terms of service that a person is to be removed from his list, the Board shall forthwith inform that person that he should apply to another doctor for acceptance, or apply to the Board for assignment to a doctor.

Temporary arrangements for practice on retirement, death, etc.

20.—(1) Where a doctor whose name is included in the medical list ceases

to carry on his practice the Board may, in consultation with the area medical committee, make temporary arrangements for the treatment of the persons for whom the doctor was or might have become responsible, including arrangements for the appointment of one or more doctors to undertake the treatment of such persons and for the accommodation and other needs of any doctor so appointed:

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

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

Removal of person from doctor's list

21.—(1) A person whose name is included in the list of a doctor and who no longer wishes to avail himself of general medical services may at any time give notice to the Board 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 Board shall remove the name and inform the person and the doctor.

(2) Subject to the provisions of paragraphs (3) and (5) of this regulation, where, in regard to a person whose name is in the list of a doctor providing general medical services in the area of the Board, the Board after due enquiry including consultation in writing with the doctor are satisfied, either—

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

(b) that the whereabouts of the person are no longer known to the Board, and that the doctor in whose list the name of a person is included is no longer responsible for providing that person with general medical services, the Board shall remove the name of the person from the doctor's list.

(3) Without prejudice to the immediately preceding paragraph, where the Board consult a doctor in writing about the possible removal of the name of a person from his list, they shall remove that name from the list six months after that consultation unless the doctor satisfies the Board that he is still responsible for providing general medical services for that person.

(4) On removing the name of a person from the list of a doctor the Board shall notify the doctor and the person concerned at his last known address.

(5)(a) The Board shall, on receiving from a doctor (in accordance with the provisions of paragraph 18 in Part I of Schedule 1 to these regulations) particulars of persons who are pupils or staff or residents of a school or residential institution where he provides general medical services, forthwith remove the names of all persons appearing in his list as pupils or staff or residents of such school or institution which are not shown in the said particulars.

- (b) Where the Board have made a request to a doctor for particulars under the said paragraph 18 and have not received them in accordance with those provisions, they may remove the names of persons at such schools or institutions appearing on his list.

Temporary residents

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

(2) For the purpose of this regulation a person shall be regarded as temporarily resident in a district if when he arrives in that district he intends to stay there for more than 24 hours but not more than three months.

(3) If the stay of a person accepted under this regulation as a temporary resident in a district exceeds three months, he shall cease to be regarded as a temporary resident.

Doctors' lists

23.—(1) The Board shall prepare and keep revised up to date in respect of each doctor on its medical list, a list of the patients in its area for whom each doctor is for the time being responsible and shall from time to time furnish the doctor with information concerning persons added to or deleted from the list.

(2) Subject to the provisions of regulation 18(4) of these regulations, the name of a person accepted by a doctor for inclusion in his list shall be included in the list from the date on which notification of acceptance is received by the Board.

(3) Where a person for whose treatment a doctor is responsible—

- (a) dies, or
- (b) is absent from the United Kingdom for a period of three months, or
- (c) leaves the United Kingdom with the intention of being away for a period in excess of three months, or
- (d) enlists in Her Majesty's Forces, or
- (e) is serving a prison sentence or sentences totalling in the aggregate more than two years,

his name shall be deleted from the doctor's list as from the date on which the Board first received notification of the death, absence, departure, enlistment or imprisonment.

(4) Any deletion from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in accordance with a notice given under regulation 18(3) and (4) of these regulations, shall take effect from the date on which the Board receive notification of the acceptance of the person by the last-mentioned doctor or, subject to the consent of the Board, on such date, not being earlier than the date of such consent as may be agreed between the doctors.

(5) Any other deletion from a doctor's list shall take effect as from the date on which notice of deletion is sent by the Board to the doctor 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

24. A woman who, after a doctor has diagnosed that she is pregnant, desires the provision of maternity medical services, may arrange for the provision of such services either by any doctor on a medical list who has indicated his willingness to provide maternity medical services, or by the doctor in whose list her name is included.

Change of doctor

25.—(1) A woman who has arranged for the provision of maternity medical services may agree with the doctor to terminate the arrangements. In default of such agreement, either of them may apply to the Board for permission to terminate the arrangements. After considering such representations as the doctor and the woman may make, the Board may terminate the arrangements and notify the woman of her right to make fresh arrangements.

(2) Where an arrangement is terminated under paragraph (1), the woman may then make fresh arrangements in accordance with regulation 24.

Temporary residents

26. A woman who is residing temporarily in any district may arrange with a doctor 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.

PART VI

PHARMACEUTICAL SERVICES

Terms of service for chemists

27. The arrangements for the provision of pharmaceutical services which it is the duty of the Board to make under section 40 of the Act, shall incorporate—

- (a) in the case of a chemist undertaking to provide pharmaceutical services other than a chemist employed by a Board at a health centre the terms of service contained or referred to in Part I of Schedule 3; and
- (b) in the case of a chemist employed by a Board to provide pharmaceutical services at a health centre, the terms of service contained or referred to in Part II of that Schedule.

Pharmaceutical list

28.—(1) The Board 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 Board an application in the form set out in Part III or Part IV of Schedule 3 to these regulations, or in a form to the like effect.

Schemes for securing proper pharmaceutical service

29.—(1) The Board after consultation with the area 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 Board after consultation with the area 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 Board and the area 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 Board after consultation with the area pharmaceutical committee may amend a scheme, subject to the approval of the Secretary of State. If the Board 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.

PART VII

SUPPLY OF DRUGS, ETC., BY DOCTORS

Arrangements for supply by doctors of drugs and appliances

30.—(1) Where the Board after consultation with the area 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 Board shall require the doctor 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 drug or appliance is one for which the doctor 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 doctor shall not be required to undertake the supply of drugs and appliances under this regulation if he satisfies the Board, or, on appeal, the Secretary of State, that he is not in the habit of dispensing drugs for his patients; and

(b) a doctor shall be entitled to receive reasonable notice from the Board that he is required to undertake the supply of drugs and appliances under this regulation or that such supply is to be discontinued.

PART VIII
PAYMENTS

Payments to doctors

31.—(1) For each financial year ending on 31st March the Board shall make payments to doctors 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 doctors. 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, capitation fees for elderly patients, and fees for night visits;
- (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 rural practice, and fees for maternity medical services;
- (e) allowances for post-graduate training, for training doctors and for initial practice or inducement to practice;
- (f) allowances for practice expenses and for improvement of premises;

and may be amended from time to time by the Secretary of State after consultation with such organisations as aforesaid.

(2) Where a doctor is on the medical list of more than one Board any payment due to the doctor may, where the Statement so provides, be made by one Board on behalf of all Boards 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 he may after such consultation amend from time to time and 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;
- (f) the list of drugs approved by the Secretary of State for the purposes of section 40(1) of the Act;

- (g) the list of appliances approved by the Secretary of State for the purposes of section 40(1) of the Act and the specifications for such appliances;
- (h) the list of chemical reagents approved by the Secretary of State for the purpose of section 40(1) of the Act and the specifications for such chemical reagents;
- (i) the method by which a claim may be made for compensation for financial loss in respect of oxygen equipment.

PART IX

MISCELLANEOUS

Publication of particulars

33.—(1) The Board shall make available for inspection at its offices copies of—

- (a) the medical list,
- (b) the pharmaceutical list,
- (c) the terms of service for doctors,
- (d) the terms of service for chemists,
- (e) the Statement published under the provisions of regulation 31,
- (f) the Drug Tariff,
- (g) any schemes made under regulation 29,

and shall keep them revised and up-to-date.

(2) The Board may make such documents available for inspection at such other places in its area as appear to it convenient for informing all persons interested or may publish at such places a notice of the places and times at which copies of such documents may be seen.

(3) The Board shall send a copy of the medical list to the Secretary of State, the Medical Practices Committee, the area medical and pharmaceutical committees and shall within fourteen days inform each of them of any change made therein. The Board shall also send a copy of the medical list to all chemists providing pharmaceutical services in the area; and at intervals of not more than three months shall notify them of any alteration therein:

Provided that if the Board considers that only portions of the medical list, or only some of the alterations thereto, are likely to concern any persons providing pharmaceutical services, it may send to such persons a copy of only those portions, or those alterations.

(4) The Board shall send a copy of the pharmaceutical list to the Secretary of State and to the area medical, dental and pharmaceutical committees, and shall within fourteen days of any alteration in the pharmaceutical list inform each of them thereof.

Service of documents

34. Unless expressly provided to the contrary any document which is required or authorised to be given to a doctor or chemist under these regulations may be given by delivering it to the doctor or chemist or by sending it in a prepaid letter addressed to him at his usual or last known address; and if

the document is sent by post it shall be deemed, until the contrary is proved, to be served at the time at which a letter would be received in the ordinary course of post.

Exercise of choice of doctor or chemist in certain cases

35. The right to choose the person by whom general medical services or pharmaceutical services under Part IV of the Act 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 care of the child;
- (b) on behalf of any other person who is incapable on account of sickness or other infirmity of choosing a person to provide such services, by a relative or any person who has the care of such person;
- (c) on behalf of any person under the age of eighteen in the care of a local authority under Part II of the Social Work (Scotland) Act 1968(a) or under the relevant provisions of the said Part II as applied by section 44(5) of the said Act, by a person duly authorised by that authority:

Provided that the right shall not be exercised by the person to whom the application for such services is made.

Revocations

36. The regulations named in Schedule 6 to these regulations are hereby revoked:

Provided that—

- (a) such revocation shall not affect any right, privilege, obligation or liability acquired, accrued or incurred or anything duly done or suffered under those regulations;
- (b) such revocation shall not affect any legal proceedings commenced before the revocation, or the commencement of any proceedings to enforce such right, privilege, obligation or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;
- (c) such revocation shall not affect any agreement, appeal, application, appointment, approval, arrangement, authority, certificate, condition, decision, delegation, determination, direction, list, notice, requirement, scheme, statement or tariff made, prepared, issued or given, or thing done under the regulations so revoked and insofar as they could have been made, prepared, issued, given or done under these regulations, they shall have effect as if they had been so made, prepared, issued, given or done under these regulations.

William Ross,

One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

19th March 1974.

SCHEDULE 1

PART I

TERMS OF SERVICE FOR DOCTORS

Interpretation

1. In this Schedule, unless the context otherwise requires:—

- (a) "patient" means a person for whose treatment a doctor is responsible under paragraph 4 of these terms of service.
- (b) "the regulations" means the National Health Service (General Medical and Pharmaceutical Service) (Scotland) Regulations 1974(a);
- (c) any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
- (d) any reference to a numbered paragraph is a reference to the paragraph bearing that number in this Schedule and any reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph;
- (e) other words and expressions have the same meaning as in the regulations.

Incorporation of provisions of regulations, etc.

2. Any provisions of the following affecting the rights and obligations of doctors shall be deemed to form part of the terms of service—

- (a) the regulations,
- (b) any Statement made under regulation 31,
- (c) any provisions of Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(b).

Alteration of terms of service

3.—(1) The Board 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 doctor, as is provided in sub-paragraph (3).

(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 doctors the Board shall, before making an alteration, consult with the area medical committee, and the alteration shall not come into operation until the expiration of 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 of the proposed alteration shall be given to the area medical committee only, the Board shall give notice to the area medical committee, and notice shall in that case be deemed to have been given to each doctor.

Persons for whose treatment the doctor is responsible

4.—(1) The persons for whose treatment a doctor 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 Board 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 and who have not been notified to him by the Board as having ceased to be on his list;
- (d) all persons for whom he may be required in terms of sub-paragraph (2) to provide treatment pending their acceptance by or assignment to a doctor;

(a) S.I. 1974/506 (1974 I, p. 1869).

(b) S.I. 1974/504 (1974 I, p. 1793).

- (e) all persons for whom he may be required in terms of sub-paragraph (3) to provide treatment which is immediately required in case of accident or other emergency;
- (f) all persons to whom the doctor is required to give necessary treatment under paragraph 8;
- (g) 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;
- (h) all persons in respect of whom he is acting as a deputy under the provisions of paragraph 12(2);
- (i) during the period of an appointment under regulation 20 persons whom he has been appointed to treat temporarily;
- (j) in respect of maternity medical services women for whom he has undertaken to provide such services;
- (k) during the hours agreed with the Board, any person whose own doctor has been relieved of responsibility during those hours specified in paragraph 5 and for whom he has accepted responsibility.

(2) If a doctor refuses to accept, for inclusion in his list or as a temporary resident, a person who lives in his practice area and who is not in the list of, or has not been accepted as a temporary resident by, another doctor practising in that area, he may inform him of the name and address of any neighbouring doctor to whom he may apply for acceptance and shall inform him of the name and address of the Board and of his right to apply to them for assignment, and he shall give that person any treatment which he may require until that person has been accepted by or assigned to another doctor:

Provided that if the doctor notifies the Board in writing of his refusal to accept the person and states the person's name and address the Board shall forthwith inform the person that he should at once apply to another doctor for acceptance, or to the Board for assignment to a doctor and, if he has not been accepted by another doctor and has not applied for assignment before the expiry of fourteen days after receipt of the Board's communication, he shall be deemed to have applied to the Board for assignment and shall be assigned by the Board to a doctor in accordance with the provisions of regulation 16(3) and the obligation to give treatment in accordance with this paragraph shall cease on the date of the assignment.

(3) If a doctor is requested to provide treatment, and is available, he shall provide treatment immediately required, by reason of accident or other emergency, by a person who is not on the list of and who has not been accepted as a temporary resident by or assigned to, any doctor practising in the locality, or who is on the list of or has been accepted as a temporary resident by or assigned to, such a doctor, but neither the said doctor nor any deputy whom he may have appointed is available.

(4) Notwithstanding anything contained in this paragraph, a doctor 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 doctor who is elderly or infirm or who has been exempted by the Board under regulation 16(4) from the liability to have persons assigned to him may be relieved by the Board of any liability for emergency calls arising between 7 pm on weekdays and 8 am on the following morning and between 1 pm on Saturday and 8 am on the following Monday to persons who—

- (a) are not on his list, or
- (b) are not temporary residents for whom he is responsible, or
- (c) have not been accepted by him for the provision of maternity medical services.

Acceptance of patients

6.—(1) A doctor may agree to accept a person on his list if the person is eligible to be accepted by him.

(2) A doctor shall indicate his acceptance of an applicant by signing either his medical card or a form of application for acceptance which has been completed by the applicant or on his behalf, and sending the card or form to the Board within seven days of receiving it. Where any person is authorised by the doctor to sign the card or form on behalf of that doctor, he shall say so accordingly and in addition to his own signature, add the doctor's name.

Right of a doctor to have patient removed from his list

7. A doctor may have the name of any person removed from his list by giving notice to the Board and the removal shall take effect on the date of acceptance of that person by, or assignment to, another doctor or on the eighth day after the Board receives such notice, whichever first occurs:

Provided that if the doctor at the date when removal would take effect is providing treatment to the person (otherwise than at intervals of more than a week because of the chronic nature of the person's illness), the doctor shall notify the Board accordingly, and removal shall take place on the eighth day after the Board receives notice from him that the person no longer requires such treatment or upon acceptance by, or assignment to, another doctor, whichever first occurs:

Evidence of person's title to obtain treatment

8.—(1) A doctor 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 doctor 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 doctor 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 doctor may order any drug or 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 Board 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 Board if they are satisfied that the failure to make application within the period of fourteen days was occasioned by some reasonable cause) and the Board are satisfied that he was on the doctor's list, the Board may require the doctor to withdraw his account, or if the fee has been paid, may recover the fee from the doctor by deduction from his remuneration or otherwise and repay it to the applicant. If the doctor 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 Board, the Board shall credit him with the payment to which he would have been so entitled.

Service to patients

9.—(1) A doctor 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 rendering of such other assistance does not involve the application of special skill or experience of a degree or kind which general medical practitioners as a class cannot reasonably be expected to possess.

Subject to sub-paragraph (3) the treatment to be provided does not include—

- (a) services which involve the application of the said special skill or experience,
- (b) the administration of an anaesthetic at an operation performed by a doctor providing maternity medical services, and
- (c) maternity medical services, unless the doctor 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 the provision of all necessary medical services (other than services which involve the application of special skill or experience of a degree or kind which general medical 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—

- (a) antenatal services, i.e. full antenatal care, supervision and examination, including full medical and obstetric examination of the patient as soon as possible after the doctor's engagement to provide maternity services and such further examinations as the condition of the patient requires,
- (b) services during the confinement and 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 of completion of labour or as soon thereafter as is practicable and as often as the condition of the patient or 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, i.e., medical and pelvic examination of the patient at or about six weeks after confinement.

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

- (a) comply with any request by the doctor on whose list the name of the woman is included to examine or give other assistance to the woman and her child if and so far as the practitioner providing the services considers it necessary and appropriate that he should do so;
- (b) issue, in accordance with the provisions of paragraph 10(5) to the woman or her personal representative certificates of pregnancy, expected confinement and confinement, being certificates reasonably required by her.

(4) The doctor providing the service shall also, subject always to paragraph 4(4) administer an anaesthetic or render other assistance, as required, in connection with any service or operation performed by another doctor otherwise than as part of the general medical 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 medical practitioners as a class cannot reasonably be expected to possess.

(5) Nothing in the foregoing shall affect the responsibility of the doctor on whose list the name of the woman receiving maternity medical services is included for the provision of treatment necessary for her general health.

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

(7) 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 medical practitioners practising in the area in which the question arose.

Treatment of patients

10.—(1) If the condition of a patient is such as he requires treatment which is not within the scope of the doctor's obligations under these terms of service, but such treatment is to the knowledge of the doctor available under the National Health Service, the doctor shall inform the patient of the fact and if the patient so wishes, the doctor shall take all necessary steps to enable him to receive such treatment. The doctor shall also give his patients such advice or assistance as he may consider

appropriate to enable them to take advantage of other medical services available under the National Health Service.

(2) If the condition of a patient is such as to require the general ophthalmic services the doctor shall if so desired furnish him with a recommendation for such services.

(3) A doctor 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 Board under paragraph 13 except a patient who attends when an appointment system is in operation and who has not previously made, and is not given, an appointment. In such a case the doctor may decline to attend the patient during that surgery period, if the patient's health would not thereby be jeopardised and the patient is offered an appointment to attend within a reasonable time having regard to all circumstances. The doctor shall take all reasonable steps to ensure that a consultation is not so deferred except in accordance with his instructions.

(4) A doctor 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.

(5) A doctor 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 4 to these regulations, being a certificate which is reasonably required by him under or for the purpose of any enactment specified in the second column of the said Schedule opposite and in relation to the description of the certificate in the first column. Any certificate which a doctor is required to issue for the purpose of the National Insurance Acts 1965-1973(a) or the National Insurance (Industrial Injuries) Acts 1965-1973(a) shall be issued in accordance with any regulations made or having effect under those Acts:

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

(6)(a) A doctor, except when providing maternity medical services, is responsible for providing the services of another doctor 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 medical practitioners as a class cannot reasonably be expected to possess.

(b) A doctor providing maternity medical services is responsible for providing the services of another doctor 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.

Absences, deputies, assistants and partners

11.—(1) Subject to sub-paragraph (2) a doctor is responsible for ensuring the provision for his patients of the services referred to in paragraph 9.

(2) A doctor may be relieved of this responsibility (except for persons mentioned in paragraph 4(1)(i) and (j)) during such times as may be approved by the Board:

Provided that such relief—

(a) shall not be given unless the Board has been able to make satisfactory arrangements with another doctor or doctors for the treatment of patients during those times; and

(b) shall not affect a doctor's responsibility for treatment requested but not given during the period when he is responsible for services.

(3) A doctor to whom such relief is given shall inform any person who applies to

him for acceptance (whether for inclusion in his list or as a temporary resident) of the hours during which he is responsible for services.

(4) A doctor who undertakes the responsibility for providing services for another doctor's patients under this paragraph shall as soon as practicable inform the other doctor of any services he has given to those patients.

12.—(1) (a) Subject to the provisions of sub-paragraph (1)(b) a doctor 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 doctor whose name is included in the medical list, acting as deputy to another doctor who is also included in that list, shall be responsible for his own acts and omissions in relation to the obligations under the terms of service of the doctor for whom he acts as deputy.

(3) A doctor shall make all necessary arrangements for the treatment of his patients. He shall inform the Board 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 doctor or doctors responsible for his practice during his absence.

(4)(a) A doctor shall not except with the consent of the Board employ any one or more assistants for a total period of more than three months in any period of twelve months and where such consent has been given it shall be subject to periodic review and may be withdrawn by the Board:

Provided that where the Board refuse or withdraw their consent, the doctor may appeal against such refusal or withdrawal 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 the date on which the Board notify the doctor of their decision and the Committee after such inquiry as they may think necessary shall determine the appeal.

(b) A doctor shall notify the Board as soon as possible of the name of any assistant he employs and of the termination of such employment.

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

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

(7) A deputy or assistant (other than a partner or assistant whose name is included on 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 doctor for whom he is acting as deputy or assistant.

(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.

Arrangements at practice premises

13.—(1) A doctor 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 Board or, on appeal, of the Secretary of State, be in premises occupied by a chemist.

(2) A doctor shall at all reasonable times admit any member or officer of the Board or the area medical committee authorised for the purpose by the Board to any consulting room or waiting room of the doctor 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.

(3) A doctor shall obtain the approval of the Board (who shall consult the area medical committee) or, on appeal, of the Secretary of State, to the places where and the times during or at which he is available for consultation (whether or not he operates an appointment system) and to any changes in one or both of them and to the introduction of an appointment system. Where the doctor proposes to cease to practise at an address in respect of which he is included in the medical list, he shall inform the Board whether or not in the event of consent being given, he would propose to give notice under regulation 17(7) for the removal of the persons who would attend for treatment at that address. Approval may be given subject to such conditions as seem necessary to the Board or in the case of appeal, the Secretary of State to enable the doctor to carry out his obligations under these terms of service and to a condition that the doctor inform his patients, at his own expense, of any special arrangements for the conduct of his practice or of any changes in his practice arrangements.

(4) Without prejudice to sub-paragraph (3) a doctor who succeeds to a practice where an appointment system is in force shall be required only to notify the Board that he intends to continue to operate an appointment system.

Practice area

14.—(1) Subject to sub-paragraph (2) a doctor may at any time with the consent of the Board or, on appeal, the Secretary of State alter the extent of his practice area.

(2) A doctor shall not, contrary to any condition imposed by the Medical Practices Committee, or, on appeal, the Secretary of State under section 35(4) or 35(6), as the case may be, of the Act, extend his practice area or open practice premises in any area or part of an area where, at the time of his application, the Medical Practices Committee is of the opinion that the number of doctors undertaking to provide general medical services in that area or part is already adequate.

Prescribing and dispensing

15.—(1) A doctor shall supply any drugs or appliances for the immediate treatment of a patient if such treatment is necessary before a supply can be obtained otherwise and he may supply any other drug which he administers in person, or a diagnostic reagent listed in the Drug Tariff or a pessary which is an appliance.

(2) A doctor shall supply all requisite drugs and appliances to any patient to whom the Board have required him to supply drugs under regulation 30.

(3) A doctor shall comply with any arrangements made by the Secretary of State, or made by the Board after consultation with the area medical committee and the area 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.

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

16. A doctor is required to order by completing a form provided by the Board for the purpose, such drugs and appliances (other than those which he supplies under the preceding paragraph) as are required for any treatment given to a patient

under these terms of service. The order shall be signed by the doctor 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 Board shall not be used for persons other than patients for whose treatment the doctor is responsible under these terms of service, and a separate form shall be used for each patient.

Records

17. A doctor 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 doctors;
- (b) to send such records with reasonable promptness when they are called for by the Board;
- (c) upon knowledge of the death of a person on his list to send such record to the Board within seven days:

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

18. Where a doctor provides general medical services for pupils or staff at a school or for inmates or staff at a residential 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 Board, after consultation with the area medical committee, request him to give the names of persons on his list who are pupils, staff or inmates of such school or institution on a specific date he shall within one month give such particulars to the Board.

Reports to the medical officer

19. A doctor 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 doctor 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 doctor 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 doctor 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 doctor under these terms of service.

Acceptance of fees

20.—(1) A doctor 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, except—

- (a) under paragraph 8 of these terms of service;
- (b) from any statutory body for 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 of any administrative action they might take;

- (d) for treatment not included within the range of service defined in paragraph 9 given—
- (i) pursuant to the provisions of sections 1 and 2 of the Health Services and Public Health Act 1968(a) or
 - (ii) in a registered nursing home which is not providing services under the National Health Service (Scotland) Acts 1947 to 1973.
- If in either case the doctor is serving on the staff of a hospital providing services under the National Health Service (Scotland) Acts 1947-73 as a specialist providing treatment of the kind required by the patient and if within seven days after the date on which the treatment is given he gives the Board, on a form to be supplied by them for the purpose, such information about the treatment as they may require;
- (e) under section 155 of the Road Traffic Act 1972(b);
 - (f) from a dental practitioner in respect of the provision at his request of an anaesthetic for a person for whom the 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;
 - (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 or fitting;
 - (i) for attending and examining (but not otherwise treating) a patient at his request at a police station;
 - (j) for treatment consisting of an immunisation in connection with travel abroad when no fee is payable by the Board 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 ground.

(2) A doctor 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 doctor'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.

Withdrawal from the medical list

21. A doctor is entitled at any time to give notice to the Board 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 Board may agree. Any such notice may be revoked only with the consent of the Board:

Provided that if representations are made to the Tribunal under section 43 of the Act that the continued inclusion of a doctor 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 proceedings on such representations.

22. Where the Board, after consultation with the area medical committee, is satisfied that owing to the continued absence or bodily or mental disability of a doctor his obligations under the terms of service are not being adequately carried

(a) 1968 c. 46.

(b) 1972 c. 20.

out, they may with the consent of the Secretary of State give notice to the persons on his list that the doctor 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 area medical committee, make such arrangements as the Secretary of State may approve including the appointment of a deputy for and on behalf of the doctor and may deduct the cost of the arrangements in part or in whole from the remuneration of the doctor:

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

PART II

FORM OF APPLICATION FOR INCLUSION IN MEDICAL LIST

To Health Board
 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.....) apply to be included in the list of medical practitioners providing

*general medical services ^{*including} maternity medical services _{*excluding}

*general medical services, such services being limited to maternity medical services for persons in the Board'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 Consulting Rooms	Days and hours of attendance
------------	--------------------------------	------------------------------

Signed.....

Date.....

* Delete if inappropriate.

† The applicant should define as accurately as possible the district or districts in which he proposes to practise.

†† 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

TERMS OF SERVICE FOR CHEMISTS (OTHER THAN THOSE EMPLOYED
BY A HEALTH BOARD AT A HEALTH CENTRE)*Interpretation*

1. In these terms of service unless the context otherwise requires—
 - (a) “the regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974;
 - (b) “dentist” means a registered dental practitioner;
 - (c) “prescription form” means a form supplied to and issued by a doctor or dentist to enable a person to obtain pharmaceutical services;
 - (d) any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
 - (e) any reference to a numbered paragraph is a reference to the paragraph bearing that number in these terms of service and any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph;
 - (f) other words and expressions have the same meaning as in the regulations.

Provision of pharmaceutical services

- 2.—(1)(a) A chemist shall supply with reasonable promptness to any person who presents an order for drugs, listed drugs or appliances on a prescription form signed by a doctor or by a dentist such drugs or appliances as may be so ordered.
 - (b) 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 conform to the specifications included in the Drug Tariff.
- (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(a).
- (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.
- (5) A chemist shall not, except with the consent of the Secretary of State, provide at a health centre services other than pharmaceutical services in accordance with section 40 of the Act.

Place and hours of business

- 3.—(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 Board'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 Board 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 Board in the form prescribed in Part V (or Part VI) of this Schedule. There shall also be exhibited at each such place of business 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 Board indicating the facilities available for securing the dispensing of medicines urgently required.

(3) Pharmaceutical services shall not, except with the consent of the Board, or on appeal, of the Secretary of State, be provided by a chemist in premises occupied by a doctor other than at a health centre.

Dispensing of medicines

4. The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist who shall not, unless the Secretary of State otherwise consents, be a person disqualified for inclusion in the pharmaceutical list of the Board under section 43 of the Act.

Names of registered pharmaceutical chemists

5. A chemist shall, if so required by the Board, furnish to the Board the name or names of registered pharmaceutical chemists employed by him in dispensing medicines.

Drugs, etc. to be supplied without charge

6. Subject to the provisions of any regulations made under section 40 of the Act all drugs, containers and appliances supplied under these terms of service shall be supplied free of charge: 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 Board 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

7.—(1) A chemist is required to furnish to the Board 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 Board may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Board, with the approval of the Secretary of State, may from time to time require.

(2) The Board 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 Board shall take such objection into consideration.

(3) The Board shall, if so required by any organisation which is, in the opinion of the Secretary of State, representative of the general body of chemists, afford 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 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: provided however in either case that the amount payable shall be reduced by an amount equal to any charge made or recoverable under regulations made under section 40 of the Act.

(5) If the Secretary of State, after consultation with such organisation as is mentioned in sub-paragraph (1) of this paragraph, 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) 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

8.—(1) The Board 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 Board shall, before making an alteration consult with the area 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 area pharmaceutical committee only, the Board shall give notice to the area pharmaceutical committee and notice shall thereby be deemed to have been given to each chemist.

Withdrawal from pharmaceutical list

9.—(1) A chemist is entitled at any time to give notice to the Board 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 Board 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 Medicines Act 1968, shall not be removed from the list so long as the business is carried on by them in accordance with the provisions of that Act, and the representatives agree to be bound by the terms of service of the chemist.

Incorporation of provisions

10. Any provisions of the following affecting the rights and obligations of chemists shall be deemed to form part of the terms of service—

(a) the regulations,

(b) the Drug Tariff,

(c) any scheme made under regulation 29,

(d) so much of Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(a) as relates to

(a) S.I. 1974/504 (1974 I, p. 1793).

- (i) the investigation of complaints made by or on behalf of persons 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 Board as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;
- (ii) appeals to the Secretary of State from decisions of the Board.

PART II

TERMS OF SERVICE FOR CHEMISTS EMPLOYED BY A HEALTH BOARD AT A HEALTH CENTRE

Interpretation

1. In these terms of service unless the context otherwise requires—
 - (a) “the regulations” means the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1974;
 - (b) “dentist” means a registered dental practitioner;
 - (c) “prescription form” means a form supplied to and issued by a doctor or dentist to enable a person to obtain pharmaceutical services;
 - (d) any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
 - (e) any reference to a numbered paragraph is a reference to the paragraph bearing that number in these terms of service and any reference to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph;
 - (f) other words and expressions have the same meaning as in the regulations.

Provision of pharmaceutical services

- 2.—(1)(a) A chemist shall supply with reasonable promptness to any person who presents an order for drugs, listed drugs or appliances on a prescription form signed by a doctor or by a dentist such drugs or appliances as may be so ordered.
 - (b) 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 conform to the specifications included in the Drug Tariff.
- (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(a).
- (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

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

Dispensing of medicines

4. The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist who shall not unless the Secretary of State otherwise consents, be a person disqualified for inclusion in the pharmaceutical list of the Board under section 43 of the Act.

Remuneration

5.—(1) The Board 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.

6.—(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 Board 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 Board may direct, together with a statement of accounts containing such particulars relating to the provision by him of pharmaceutical services as the Board, with the approval of the Secretary of State, may from time to time require.

Revision of terms of service

7.—(1) The Board 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 Board, 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 Board shall before making an alteration consult with the area 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 area pharmaceutical committee only, the Board shall give notice to the area 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 Board.

Termination of service

8.—(1) A chemist is entitled at any time to give notice to the Board 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 Board 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 Board 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 Board may terminate the arrangement by giving him one month's notice in writing.

(3) The Board 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.

Incorporation of provisions

9. Any provisions of the following affecting the rights and obligations of chemists shall be deemed to form part of the terms of service—

- (a) the regulations,
- (b) the Drug Tariff,
- (c) any scheme made under regulation 29,
- (d) so much of Part II of the National Health Service (Service Committees and Tribunal) (Scotland) Regulations 1974(a) as relates to—
 - (i) the investigation of complaints made by or on behalf of persons 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 Board as a result of such investigations, including the withholding of remuneration from chemists where there has been a breach of the terms of service;
 - (ii) appeals to the Secretary of State from decisions of the Board.

PART III

FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST
FOR USE BY CHEMISTS

National Health Service

To the..... Health Board

1. I (we)..... of.....
..... apply to have my (our) name(s) included in the Board's pharmaceutical list and undertake to dispense medicines and supply drugs and appliances under the terms for the time being in operation in the area of the Board.

2. The premises within the area of the Board at which I (we) am (are) (shall be) entitled to dispense and supply as above are.....
which* (in addition to the premises stated in the following paragraph) will be my (our) place(s) of business for the said purpose.

3. Application has been made for registration whereby if granted the premises at which I (we) shall be entitled to dispense and supply as above are.....
..... which* (in addition to the premises stated in paragraph 2) will be my (our) place(s) of business for the said purpose.

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

Registration Number(s).....

Signed.....

Date.....

* This application cannot be granted in respect of premises which are not registered under the Medicines Act 1968. Where a person wishes to have an application to be included in the pharmaceutical list considered in advance of his registration under the Medicines Act 1968 he should complete the third paragraph. The section or words which do not apply should be amended or struck out as necessary. A fresh application will be required where a chemist already on the pharmaceutical list wishes to practise from additional or alternative premises.

PART IV

FORM OF APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST
FOR USE BY PERSONS OTHER THAN CHEMISTS

National Health Service

To the..... Health Board

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

.....apply to have my (our) name(s) included
in the Board's pharmaceutical list and 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 Board.

2. The premises within your area which will be my (our) place(s) of business for
the said purposes are.....

Signed.....

Date.....

A fresh application will be required by any person already included in the pharmaceu-
tical list who wishes to undertake to supply for the said purposes from additional or
alternative premises.

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

PART V

FORM OF NOTICE TO BE EXHIBITED BY CHEMISTS

National Health Service

(Name of person, firm or company)

Dispenser of medicines and supplier of drugs and appliances.

These premises are open at the following times:—

PART VI

FORM OF NOTICE TO BE EXHIBITED BY PERSONS OTHER THAN CHEMISTS

National Health Service

(Name of person, firm or company)

*(a) Supplier of drugs (except poisons in Part I of the Poisons List).

*(b) Supplier of appliances.

These premises are open at the following times:—

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

SCHEDULE 4

LIST OF PRESCRIBED MEDICAL CERTIFICATES

Medical Certificate	Short title of enactment under or for the purpose of which certificate required
1. To support a claim or obtain a payment either personally or by proxy under the enactments specified.	{ Family Allowances Acts 1965 to 1969. National Insurance (Industrial Injuries) Acts 1965 to 1973. National Insurance Acts 1965 to 1973. Supplementary Benefits Acts 1966 to 1973. Industrial Injuries and Diseases (Old Cases) Acts 1967 to 1971.
2. To prove inability to work or incapacity for self-support for the purposes of an award by the Secretary of State for Social Services.	{ Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (1939 c. 83). Pensions (Mercantile Marine) Act 1942 (1942 c. 26). Naval and Marine Pay and Pensions Act 1865 (1865 c. 73). Air Force (Constitution) Act 1917 (1917 c. 51).
3. To enable proxy to draw pensions, etc.	{ Personal Injuries (Emergency Provisions) Act 1939 (1939 c. 82). Polish Resettlement Act 1947 (1947 c. 19). Home Guard Act 1951 (15 & 16 Geo. 6 & 1 Eliz. 2 c. 8).
4. To establish pregnancy for the purpose of obtaining welfare foods.	Emergency Laws (Re-enactment and Repeals) Act 1964 (1964 c. 60).
5. To establish fitness to receive inhalational analgesia in childbirth.	Midwives (Scotland) Act 1951 (1951 c. 54).
6. To secure registration of still-birth.	Registration of Births Deaths and Marriages (Scotland) Act 1965 (1965 c. 49).
7. To enable payment to be made to an institution or other person in case of mental disorder of persons entitled to payment from public funds.	Section 138 of the Mental Health Act 1959 (1959 c. 72).
8. To establish unfitness for jury service.	{ Jurors (Scotland) Act 1825 (1825 c. 22). Jurors (Enrolment of Women) (Scotland) Act 1920 (1920 c. 53).
9. To establish unfitness to attend for medical examination.	National Service Act 1948 (1948 c. 64).
10. 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 (1944 c. 15). National Service Act 1948 (1948 c. 64). Reinstatement in Civil Employment Act 1950 (14 & 15 Geo. 6 c. 10). Reserve and Auxiliary Forces (Training) Act 1951 (1951 c. 23). Army Reserve Act 1962 (1962 c. 10). Ulster Defence Regiment Act 1969 (1969 c. 65).
11. To enable a person to be registered as an absent voter on ground of physical incapacity.	Representation of the People Act 1949 (1949 c. 68).

SCHEDULE 5

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

<i>Column 1</i> <i>Enactment conferring power</i>		<i>Column 2</i> <i>Relevant amending enactment</i>
The National Health Service (Scotland) Act 1947	Section 34	The National Health Service (Amendment) Act 1949(a), section 14 and Part II of the Schedule. The National Health Service (Scotland) Act 1972, Schedule 6.
	35	The National Health Service (Amendment) Act 1949, section 15. The National Health Service (Scotland) Act 1972, Schedule 6.
	36	—
	40	The National Health Service (Amendment) Act 1949, sections 14 and 16. The National Health Service Reorganisation Act 1973(b), Schedule 4.
	41	The Medicines Act 1968, Schedule 5. The National Health Service (Scotland) Act 1972, Schedule 6.
	46	—
	72	The National Health Service (Scotland) Act 1972, Schedule 6.
Schedule 7	—	
The National Health Service (Scotland) Act 1972	Section 16	—
	Schedule 1	—

(a) 1949 c. 93.

(b) 1973 c. 32.

SCHEDULE 6

REGULATIONS REVOKED

Title or Description	S.I. Number and Volume Reference
The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966	S.I. 1966/1233 (1966 III, p. 3330).
The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1966	S.I. 1966/1618 (1966 III, p. 5057).
Regulation 3(4) of the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1968	S.I. 1968/818 (1968 II, p. 2209).
Regulation 3 of the National Health Service (General Dental Services) (Scotland) Amendment Regulations 1969	S.I. 1969/254 (1969 I, p. 644).
The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1971	S.I. 1971/472 (1971 I, p. 1405).
The National Health Service (General Medical and Pharmaceutical Services) (Scotland) Amendment Regulations 1973	S.I. 1973/1063 (1973 II, p. 3186).

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the National Health Service (General Medical and Pharmaceutical Services) (Scotland) Regulations 1966 (as amended) with further amendments principally to take account of the transfer of responsibilities from Executive Councils to Health Boards and corresponding changes in the professional advisory structure.

Among the other main amendments are—

- (a) the incorporation in the Regulations, rather than in a scheme made under them, of arrangements for assignment to a doctor of persons who are unable to obtain acceptance as patients by doctors and
- (b) adjustments to take account of the coming into operation of the provisions of the Medicines Act 1968 concerning the registration of retail pharmacies and related matters.

SI 1974/506
ISBN 0-11-040506-4

