

1974 No. 160

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
The National Health Service (General Medical and
Pharmaceutical Services) Regulations 1974

<i>Made - - - -</i>	<i>4th February 1974</i>
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<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.
4. Medical list.
5. Removal from the medical list.
6. Withdrawal from the medical list.
7. Application for inclusion on the medical list or to succeed to a vacancy.

PART III

MEDICAL PRACTICES COMMITTEE

8. Appointment of members and tenure and vacation of office.
9. Reports by the Committee.
10. Advertisement of vacancies.
11. Procedure for the determination of applications.
12. Appeal to the Secretary of State.
13. Certificate that transaction does not involve sale of goodwill.

PART IV

METHOD OF OBTAINING GENERAL MEDICAL SERVICES
OTHER THAN MATERNITY MEDICAL SERVICES

14. Application for acceptance by doctor.
15. Allocation Joint Committee.
16. Assignment of persons to doctors.

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

PART V

METHOD OF OBTAINING MATERNITY MEDICAL SERVICES

23. Application for services.

PART VI

PAYMENTS TO DOCTORS

24. Payments to doctors.

PART VII

CHEMISTS

25. Terms of service.
26. Pharmaceutical list.
27. Removal from pharmaceutical list.
28. Standards of and payments for drugs and appliances.
29. Schemes for securing proper pharmaceutical services.

PART VIII

SUPPLY OF DRUGS, ETC. BY DOCTORS

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

PART IX

MISCELLANEOUS

31. Publication of particulars.
32. Exercise of choice of doctor or chemist in certain cases.
33. Claims and overpayments.
34. Reports by Local Medical Committees.
35. Revocation of regulations.

SCHEDULES

- 1.—Part I —Terms of service for doctors.
Part II —Form of application for inclusion in medical list.
Part III—Form of application for filling a vacancy.
- 2.—Form of certificate to be issued by Medical Practices Committee under section 35(9) of the National Health Service Act 1946.
- 3.—List of prescribed medical certificates.

- 4.—Part I —Terms of service for chemists.
 Part II —Application for inclusion in pharmaceutical list by registered pharmaceutical chemist and authorised seller of poisons.
 Part III—Application for inclusion in pharmaceutical list by person other than registered pharmaceutical chemist and authorised seller of poisons.
 Part IV—Notice to be exhibited by registered pharmaceutical chemists and authorised sellers of poisons.
 Part V —Notice to be exhibited by persons other than registered pharmaceutical chemists and authorised sellers of poisons.
 Part VI—Notice to be exhibited by registered pharmaceutical chemists and authorised sellers of poisons when the premises are closed.
- 5.—Provisions conferring powers exercised in making these regulations.

The Secretary of State for Social Services in exercise of powers conferred by the provisions set out in Column 1 of Schedule 5 Part I to these regulations as amended by the provisions set out in Column 2 of Part I of the said Schedule and now vested in him (a) and of powers conferred on him by the provisions set out in Schedule 5 Part II to these regulations and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I
GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) 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 Act 1946(b);
 “appliance” means an appliance which is a listed appliance within the meaning of section 38(1) of the Act;
 “area” means in relation to an Authority or Committee the area for which the Authority or Committee is constituted;
 “assistant” means a doctor who is acting as an assistant to a doctor on the medical list;
 “Authority” means Area Health Authority;
 “chemical reagent” means a chemical reagent which is a listed chemical reagent within the meaning of section 38(1) of the Act;
 “chemist” means a registered pharmaceutical chemist who provides pharmaceutical services or an authorised seller of poisons within the meaning of the Pharmacy and Poisons Act 1933(c) who provides such services;
 “Committee” means Family Practitioner Committee;
 “doctor” means a fully registered medical practitioner;
 “drugs” includes medicines and chemical reagents;

(a) See Secretary of State for Social Services Order 1968. (S.I. 1968/1699 (1968 III, p. 4585)) Article 2.

(b) 1946 c. 81.

(c) 1933 c. 25.

“Drug Tariff” has the meaning assigned to it in regulation 28;

“enactment” includes an enactment in a statutory instrument;

“listed drugs and medicines” 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 38(1)(b) of the Act;

“Local Obstetric Committee” means a committee recognised by the Secretary of State for the area of an Authority for the purpose of approving, in accordance with such conditions as the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors, the obstetric experience of a doctor;

“maternity medical services” means personal medical services in respect of pregnancy, confinement and the post-natal period provided by a doctor in accordance with such arrangements and subject to such conditions as may be determined by the Secretary of State after consultation with such organisations as he may recognise as representing doctors;

“medical card” means a card, in a form approved by the Secretary of State, issued to a person 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 includes any similar card provided for the purpose of enabling a person to obtain medical benefit under the National Health Insurance (Medical Benefit) Regulations 1936(a);

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

“medical officer” means a doctor in the service of the Department of Health and Social Security, or of the Welsh Office, as the case may be;

“obstetric list” means a list of doctors whose experience in obstetrics is for the time being approved by the Local Obstetric Committee or the Secretary of State;

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

“terms of service” means, in relation to doctors, the terms of service contained or referred to in Part I of Schedule 1 to these regulations, and, in relation to chemists, the terms of service contained or referred to in Part I of Schedule 4 to these regulations;

“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, but does not include maternity medical services unless the doctor has undertaken to provide such services to the woman concerned in accordance with these regulations.

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

(a) S.R. & O. 1936/1163 (1936 II, p. 1877).

(3) Except where expressly provided to the contrary, any document which is required or authorised to be given to a doctor or chemist under these regulations or the terms of service may be given by delivering it to the doctor or chemist or by sending it in a pre-paid letter addressed to him at his usual or last known address.

(4) Unless the context otherwise requires, references in these regulations and the terms of service to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.

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

(6) Unless the context otherwise requires, any references in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(7) Unless the context otherwise requires, any references in these regulations to a form thereby prescribed shall include references to a form substantially to the like effect.

(8) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889^(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

PART II

DOCTORS

Terms of service

3. The arrangements with doctors for the provision of general medical services which it is under section 33 of the Act the duty of an Authority to make and under section 7(3) of the National Health Service Reorganisation Act 1973^(b) of the Committee to administer, shall incorporate the terms of service.

Medical List

4. (1) The Committee shall prepare a list, to be called "the medical list", of the doctors who are entitled, pursuant to regulation 7 and Part III of these regulations, to be included on the list.

(2) The medical list shall indicate those doctors who are on the obstetric list and who have undertaken to provide either general medical services including maternity medical services or general medical services limited to maternity medical services.

(3) The medical list shall also indicate which doctors have been relieved of the responsibility to provide services during certain periods under paragraph 15(2) of the terms of service and shall indicate against those doctors' names the doctors with whom the Committee has 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 the practice premises where he agrees to attend for the

^(a) 1889 c. 63.

^(b) 1973 c. 32.

- purpose of treating persons and the telephone number or numbers at which he is prepared to receive messages;
- (b) particulars of the days and hours at which he agrees to be in attendance at such premises;
- (c) particulars of the days and hours during which an appointments system is in operation;
- (d) where he practises in partnership, the name of each partner;
- (e) 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 Committee thinks fit, be so arranged as to show the part of the area in which each doctor will provide treatment.

Removal from the medical list

5.—(1) Where a Committee has determined that a doctor whose name has been included on the medical list—

- (a) has died, or
- (b) has ceased from being a registered medical practitioner, or
- (c) is a doctor whose name is the subject of a direction by the Disciplinary Committee of the General Medical Council pursuant to the provisions of either section 13 or section 15 of the Medical Act 1969(a),

the Committee shall with effect from the date of such determination or the date on which such direction takes effect, whichever is the later, remove the doctor's name from the medical list.

(2) Where a Committee has determined in accordance with the succeeding provisions of this regulation that a doctor whose name has been included for the preceding six months on the medical list has not during that period provided general medical services, the Committee shall remove the doctor's name from the medical list.

(3) Before making any determination under paragraph (2) the Committee shall—

- (a) give the doctor 28 days' notice of its intention to do so,
- (b) afford the doctor an opportunity of making representations to the Committee in writing or, if he so desires, orally to a sub-committee appointed by the Committee for the purpose, of which sub-committee at least a third of the members shall be doctors from a panel nominated by the Local Medical Committee, and
- (c) consult the Local Medical Committee.

(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 6 months after he has completed that service.

(5) A doctor on whom a notice has been served under paragraph (2) may, within 21 days of receipt of the notice, appeal to the Secretary of State against a decision of the Committee to remove him from its medical list and pending the determination of the appeal the Committee shall not remove the doctor from the medical list.

The notice of appeal shall be in writing and shall set out the facts and contentions on which the doctor intends to rely; and on any such appeal the Secretary of State shall, if he allows the appeal, direct that the Committee shall not remove the doctor from the medical list.

Withdrawal from the medical list

6.—(1) A doctor may subject to paragraph (4) at any time give notice to the Committee that he wishes—

- (a) to withdraw his name from the medical list; or
- (b) to amend the particulars included on the medical list relating to the provision by him of general medical services by including or excluding or limiting that provision to maternity medical services.

(2) The Committee shall amend the medical list accordingly three months after the date of such notice or such other period as it may agree with the doctor.

(3) Any such notice may not be withdrawn except with the consent of the Committee.

(4) If representations are made to the Tribunal constituted under section 42 of the Act, that the continued inclusion of a doctor on 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 medical list until the proceedings on such representations have been determined.

Application for inclusion on the medical list or to succeed to a vacancy

7.—(1) Application by a doctor for inclusion on the medical list, except in a case to which paragraph (2) applies, shall be made by delivering or sending the application by post to the Committee in the form set out in Part II of Schedule I to these regulations.

(2) Application by a doctor to succeed to a practice declared vacant or where the Medical Practices Committee or the Committee authorised in that behalf by the Medical Practices Committee has resolved that an additional doctor is required in a district otherwise than in succession to another doctor, shall be made in the manner aforesaid in the form set out in Part III of the said Schedule I.

(3) On receipt of an application under this regulation the Committee shall forthwith send the application to the Medical Practices Committee together with such report in such form as may be specified by that committee and shall send a copy of the application to the Authority.

(4) In this regulation "practice declared vacant" means a practice which has been rendered vacant by the death of a doctor on, or the withdrawal or removal of a doctor from, the medical list and as respects which the Medical Practices Committee or the Committee authorised in that behalf by the Medical Practices Committee has resolved that a doctor is required to fill the vacancy.

PART III

MEDICAL PRACTICES COMMITTEE

Appointment of members and tenure and vacation of office

8. (1) The Chairman and other members of the Medical Practices Committee

in office at the coming into operation of these regulations shall continue to hold office for the periods for which they were respectively appointed.

(2) In case of a vacancy in membership at the coming into operation of these regulations or of a casual vacancy subsequently occurring, a person shall be appointed to fill the vacancy for the remainder of the period for which his predecessor was appointed.

(3) Subject to the provisions of this regulation members shall be appointed for a period of 3 years expiring on 31st March in any year.

(4) A member may be re-appointed to the Medical Practices Committee on the expiration of his term of office.

(5) A member may resign from the Medical Practices Committee by giving notice in writing to the Secretary of State, and a member who is appointed as being a person actively engaged in medical practice shall be deemed to have resigned if he ceases to be so engaged.

Reports by the Committee

9.--(1) The Committee shall at such intervals as the Medical Practices Committee may specify and after consultation with the Authority for its area report to the Medical Practices Committee with such information as that committee may require to enable it to judge the adequacy of the medical services in the area or any part thereof.

(2) The Committee shall, on receipt of notice of death of a doctor or of the withdrawal or removal of a doctor from the medical list, report to the Medical Practices Committee in such form as may be specified by that committee as to the need for filling the vacancy.

(3) The Committee shall, before making any report under regulation 7 or paragraphs (1) and (2) consult the Local Medical Committee.

Advertisement of vacancies

10. A Committee may give in such manner as it thinks fit, public notice of any vacancy for a doctor in its area.

Procedure for the determination of applications

11.--(1) Subject to the provisions of paragraph (2), a determination of the Medical Practices Committee on an application to which regulation 7 applies shall be notified to the applicant in such manner as the Medical Practices Committee think fit, and shall be accompanied by advice to the applicant that he may appeal to the Secretary of State against that determination or any part thereof.

(2) Subject to the provisions of paragraph (4), any determination of the Medical Practices 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 Medical Practices Committee.

(3) If the Medical Practices Committee is 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, it shall--

- (a) consider the report by the Committee with respect to the applications;
- (b) if it thinks fit, give to the applicants or any of them the opportunity of

- making representations to it in person or in writing;
- (c) select the applicant or applicants whose applications are to be granted and forthwith inform them, the Committee and the Secretary of State of its determination.

(4) Four 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

12.—(1) A doctor may appeal to the Secretary of State against the refusal of an application to which regulation 7 applies or the granting of such an application subject to conditions by sending to the Secretary of State notice of appeal within 7 days, or such longer period as the Secretary of State may allow, from the date on which the notice of the decision of the Medical Practices Committee is given to him.

(2) The notice of appeal shall contain a concise 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 an oral hearing, he may dispense with an oral hearing and determine the appeal summarily, and shall communicate his decision to the appellant, the Medical Practices Committee and the Committee.

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

(5) An oral 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 Medical Practices Committee, the Committee and any doctor whose application for appointment to the vacancy to which the application relates was granted, not less than 7 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 representatives. The Medical Practices Committee and the Committee may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(7) Subject as aforesaid the procedure at the oral 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 the report into consideration shall give his decision and communicate it to the appellant, the Medical Practices Committee, the Committee 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

13. A certificate issued by the Medical Practices Committee under section 35(9) of the Act shall be in the form set out in Schedule 2 to these regulations.

PART IV

METHOD OF OBTAINING GENERAL MEDICAL SERVICES
OTHER THAN MATERNITY MEDICAL SERVICES*Application for acceptance by doctor*

14. Subject to regulation 18, application to a doctor for inclusion on his list shall be made by delivering to the doctor a medical card or a form of application signed (in either case) by that person or a person authorised on his behalf.

Allocation Joint Committee

15.—(1) The Committee shall constitute a joint committee (to be called the Allocation Joint Committee) to carry out such functions as may be prescribed for them by these regulations.

(2) The Allocation Joint Committee shall consist of:—

- (a) three persons appointed by the Local Medical Committee,
- (b) three persons, not being doctors, appointed by the Committee, and
- (c) a Chairman appointed from among the members of the Committee by the members of the Allocation Joint Committee appointed under subparagraphs (a) and (b) of this paragraph or, in default of such appointment, by the Committee.

(3) A Deputy Chairman shall be appointed from among themselves by the members of the Allocation Joint Committee.

(4) A quorum shall be the Chairman or, in his absence, the Deputy Chairman together with 2 other members, one appointed under paragraph (2)(a) and one appointed under paragraph (2)(b).

(5) Deputies to act in the absence of any of the members appointed under paragraph 2(a) and (b) shall be appointed in like manner.

Assignment of persons to doctors

16.—(1) If a person who is not on the list of any doctor has been refused acceptance by a doctor for inclusion on his list, or if a person who has been refused acceptance by a doctor as a temporary resident, applies to the Committee for assignment to a doctor, his application shall be considered by the Allocation Joint Committee, who shall assign him to and notify accordingly such a doctor as they think fit, having regard to—

- (a) the distance between the person's residence and the practice premises of the doctors in the area;
- (b) whether within the previous 6 months the person has been removed from the list of any doctor in the area at the request of the doctor; and
- (c) such other circumstances, including those concerning the doctors in the area and their practices, as the Allocation Joint Committee think relevant:

Provided that a person shall not, without the consent of the Secretary of State, be assigned under this paragraph to a doctor whose list exceeds the maximum permitted by these regulations.

(2) The Allocation Joint Committee may authorise their Chairman or any other member or members to exercise their power of assignment under this regulation in cases in which action is necessary before a meeting of the Allocation Joint Committee can be conveniently held.

(3) The Allocation Joint Committee shall have power to exempt from the liability to have persons assigned to him under this regulation any doctor who applies to the Committee for that purpose and in considering such an application shall have regard to the doctor's age and state of health and the number of persons on his list.

(4) The Allocation Joint Committee shall have power to grant to any doctor of a class mentioned in paragraph 5 of the terms of service the relief specified in that paragraph.

(5) (a) A doctor may appeal to the Committee against a decision of the Allocation Joint Committee under paragraphs (1), (3) or (4) by sending to the Committee within 7 days of the receipt of notice of decision, a notice in writing of such appeal and giving the reasons therefor.

(b) A doctor who has appealed against a decision under paragraph (1) shall be responsible for the treatment of the person concerned until 7 days after the next following meeting of the Committee.

(c) The Committee shall on receipt of an appeal under sub-paragraph (a) reconsider the decision of the Allocation Joint Committee in a case under paragraph (1) as if the provisions thereof applied to the Committee and the reasons for the appeal were included in the matters to which regard were to be given, and in any other case having regard to the reasons for the appeal; and the Committee may, and if the doctor so requires shall, invite the doctor to attend to support his appeal orally at the meeting of the Committee at which the decision is reconsidered.

(d) The Committee shall within 7 days after its decision on the appeal notify the doctor thereof and in the case of an appeal against a decision under paragraph (1) notify the appellant doctor, the patient and the doctor, if other than the appellant doctor, to whom the patient is assigned.

Limitation of number of persons on doctors' lists

17.—(1) Except as provided in 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 during certain periods only, under paragraph 15 of the terms of service) shall be—

(a) 3,500 for a doctor carrying on practice otherwise than as an assistant or in a 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;

and so long as he employs an assistant or assistants (other than a trainee general practitioner) such further number not exceeding 2,000 for each assistant as the Committee, or on appeal the Secretary of State, may decide in the light of a report by the Allocation Joint Committee on the circumstances of the practice and the amount of time given to it by the assistant and of the Allocation Joint Committee's recommendations. The number of persons on the list of an assistant who is a principal with a list of his own shall be regarded for the purpose of this regulation as being on the list of a doctor or partners by whom he is employed.

For the purposes of determining under this paragraph the number of persons a doctor may have on his list, a doctor who is in partnership shall be deemed to be an assistant, and not a partner, unless in the opinion of the Committee, or on appeal the Secretary of State, he is in the position of a principal in connection

with the partnership practice and he is entitled to a share of the profits which is not less than one third of the share of the partner with the greatest share.

(2) (a) Where an excess number is due to—

- (i) the creation of a partnership of which the doctor is a member, or
- (ii) the death or retirement of a partner or the cessation of employment of an assistant, and the doctor is actively seeking a new partner or assistant,

the Committee, on the doctor's undertaking not to accept further patients other than the children of existing patients, may permit him to retain, for such period not exceeding nine months as it may determine from the date of the event which gave rise to the excess number, in addition to such children, not more than the number of patients on his list (and in a case within (ii) above, on the list, if any, of his former partner) at that date.

(b) The Committee with the consent of the Secretary of State may extend any period mentioned in the preceding sub-paragraph.

(c) The Committee may in special circumstances with the consent of the Secretary of State, and subject, if the Secretary of State so determines, to his or their undertaking not to accept further patients other than children of existing patients, permit a doctor or partnership to have on his or their list or lists such greater number of persons than authorised under paragraph (1) as may be determined.

(3) The Committee shall notify each doctor of the number of patients on his list as at the first day of each period of three months ending 31st March, 30th June, 30th September or 31st December and of the number of any excess. If there is an excess the doctor shall, within two months from the date on which an excess was notified to him, take steps to reduce his list to the maximum number permitted by this regulation by—

- (a) taking a partner, or
- (b) engaging an assistant, or
- (c) informing the Committee of the names of the necessary number of patients on his list whom he wishes to have removed from his list under paragraph 10 of the terms of service. If at the end of that time such measures have not been completely effective the Committee shall remove from his list the necessary number of patients and the selection of such patients shall be at the discretion of the Allocation Joint Committee.

(4) If a doctor gives notice under paragraph (3)(c), the Committee shall send a notice to each person so named to inform him that he should apply to another doctor for acceptance:

Provided that if the Committee, after consulting the Local Medical Committee, accepts an application for the notices to name another doctor who is willing to accept the person on his list and who has given his written consent, so however that such acceptance will not result in an excess number of patients on that other doctor's list or if that other doctor is in partnership, on the average of the partnership lists, then the notices shall be issued accordingly and the name of any such person shall be included on the list of the doctor named in the notice until such time as the person has chosen another doctor or has informed the Committee in writing that he wishes not to be so included.

(5) Paragraph (4) shall also apply, with any necessary modification, where a doctor whose name is included on the medical list in respect of more than one address and who ceases to practise at one of them informs the Committee 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.

(6) In carrying out its functions under this regulation the Allocation Joint Committee shall consult as necessary with the Committee, or the Allocation Joint Committee of the Committee of any adjoining areas whose medical list includes the doctor or doctors concerned.

(7) Nothing in this regulation shall restrict a doctor from accepting persons who apply to him as temporary residents, or exempt him from any liability under the terms of service to give treatment immediately required to any person who applies for acceptance or to give emergency treatment.

Change of doctor

18.—(1) A person who—

- (a) has changed his place of residence from that shown on his medical card, or
- (b) has obtained in writing on his medical card the consent of the doctor on whose list he is included to transfer to the list of another doctor, or
- (c) is on the list of a doctor who has obtained the approval of the Committee to a change in the place where he is available for consultation, or
- (d) having sent his medical card to the Committee, or, if it is not available, applied to the Committee on a form supplied by it for a replacement, has given to the Committee notice in writing of his wish to transfer to the list of another doctor,

may, subject to the provisions of paragraph (2), apply to a doctor for acceptance on that doctor's list.

(2) In a case to which paragraph (1)(d) applies—

- (a) the application may not be made until after the expiry of 14 days from the date on which the notice required by that sub-paragraph was given to the Committee or 7 days after the date on which the medical card or application for replacement was received by the Committee, whichever is the later;
- (b) the application must be made within the period of one month after the expiry of the period limited by the preceding sub-paragraph;
- (c) if within the period specified by the preceding sub-paragraph the person's application for acceptance on his list by another doctor has been refused by that doctor, that person may apply within one month to the Committee for assignment;
- (d) the Committee shall on receipt of such application remove the person's name from the list of the doctor on which it is included and refer such application to the Allocation Joint Committee who shall forthwith assign that person to another doctor in accordance with the provisions of regulation 16 and the Committee shall inform both doctors accordingly.

(3) In any other case to which paragraph (1) applies a person who applies to and is refused acceptance by another doctor, may apply to the Committee for assignment.

(4) Subject as hereinafter provided, the Committee shall, on the death or on the removal or withdrawal from the medical list of a doctor, give to the persons on the list of the doctor notice of their right to apply to another doctor on the medical list for acceptance.

(5) A Committee shall inform a doctor as soon as practicable of the removal of a patient from his list on transfer to the list of another doctor.

(6) Where a successor is, or successors are, appointed to a practice the Committee shall notify to the persons on the list of the doctor who last carried on that practice the name and address of the successor or successors, and the names and addresses of any partners:

Provided that in respect of any such persons residing in a particular part of the district the Medical Practices Committee, or if the Secretary of State has allowed an appeal against the Medical Practices Committee's decision respecting the succession to the practice, the Secretary of State, may deem another doctor to be the successor, and the Committee shall notify the said persons accordingly.

(7) The notice under the preceding paragraph shall also state that the person to whom it is given shall be deemed to be on the list of a successor specified in the notice as from a date so specified unless not later than 14 days after that date he has chosen another doctor or given notice in writing to the Committee of his desire not to be so included.

(8) A doctor who has performed a period of relevant service recognised by the Secretary of State for the purpose of these regulations and has returned to his practice at the end of such service shall within one month of his return notify the Committee in writing that he has personally resumed practice. Where the Committee has been so notified it shall within 7 days send a notice to every person who was on the doctor's list at the beginning of such service, who is still residing at the address at which he was then residing and who has been transferred to the list of another doctor, stating that the first doctor has resumed practice and that the person will be restored to his list unless, not later than 14 days after the date of the notice, that person gives notice in writing to the Committee that he wishes to remain on the list of that other doctor. After the said period of 14 days has elapsed, the Committee shall inform each of the other doctors concerned of the persons who are transferred from his list to the list of the first doctor and shall also inform each other doctor of the persons who have elected to remain on his list.

(9) When a doctor is relieved of the obligation to provide services at certain periods under paragraph 15 of the terms of service the Committee shall notify the persons on his list of the fact. If the doctor subsequently resumes responsibility for providing services at all times the Committee shall notify the persons on his list of the fact.

Temporary arrangements for practice on retirement, death, etc.

19.—(1) For the purpose of securing the treatment of persons whose doctor has ceased to be included on the medical list, the Committee may, after consultation with the Local Medical Committee, appoint one or more doctors to undertake the treatment of such persons; and if it makes such an appointment, it may make such arrangements as it thinks fit for the accommodation and other needs of a doctor so appointed:

Provided that where a doctor ceases to be included on the medical list because of death and any person within 7 days of the date of death makes application to the Committee on behalf of the estate of the deceased doctor and the Committee is satisfied that that person is acting in the interests of the estate, it may, instead of making an appointment under this paragraph, authorise that person to appoint one or more doctors to undertake the treatment of persons who were on the list of a doctor immediately before his death.

(2) An appointment of any doctor under this regulation shall be for such period as the Committee thinks fit and shall be subject to the condition that any doctor appointed under this regulation agrees in writing to be bound by the terms of service which were applicable to the doctor who has ceased to be included on the medical list; and during the period of any such appointment any person who had not been transferred to another doctor shall be deemed to remain on the list of the doctor who has ceased to be included on the medical list.

Removal of person from doctor's list

20.—(1) A person who no longer wishes to avail himself of general medical services may at any time give notice to the Committee that he wishes to be removed from a doctor's list and the Committee shall forthwith inform him and the doctor that on a specified date, being 14 days after the date of the receipt of the notice by the Committee, his name will be removed from the doctor's list.

(2) Subject to the provisions of paragraph (4) where the Committee, on being informed by the doctor or after due enquiry, is satisfied that a person on the list of a doctor providing general medical services in that area no longer resides at a place where that doctor is under an obligation under these regulations to visit and treat him, the Committee shall inform that person and the doctor that because of the person's change of address the doctor is no longer obliged to visit and treat the person if his condition so requires. The Committee shall advise the person either to obtain the doctor's agreement under paragraph 13 of the terms of service to visit him if his condition so requires, or to seek acceptance by another doctor, and shall inform him that if after the expiration of one month from the date of the letter of advice he has not acted in accordance with the advice, the Committee will remove him from his doctor's list. If at the expiration of a month, the Committee has not been notified of the action taken, it shall remove him from the doctor's list and inform the patient and doctor accordingly.

(3) Where a person on the list of a doctor providing general medical services has moved to an address outside the Committee's area or the address of that person is no longer known to the Committee, the Committee shall give to that doctor notice in writing that it intends, at the end of the period specified therein (being a period of six months commencing with the date of the notice, or such shorter period as in a particular case the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors), to remove the person from the doctor's list, and at the end of the said period the Committee shall remove the person from the doctor's list, unless within that period the doctor satisfies the Committee that he is still responsible for providing general medical services for that person, including visiting and treating him when necessary.

(4) (a) The Committee shall, on receiving particulars of persons who are pupils at, or staff or residents of, a school or residential institution where the doctor provides general medical services, forthwith remove from the doctor's list any person appearing on his list as pupils at, or staff or residents of, such a school or institution who are not shown in the said particulars.

(b) Where the Committee has made a request to a school or institution to provide such particulars and has not received them it may, after consulting the doctor, remove from the doctor's list, if it thinks fit, any persons appearing thereon as pupils at, or staff or residents of, such school or institution.

Arrangements for temporary residents

21.—(1) A person requiring treatment who—

- (a) is residing temporarily in a district and is not on the list of a doctor providing general medical services in that district, or
- (b) normally resides in a school or similar institution but is temporarily residing at home in the same district, or
- (c) normally resides at home but is temporarily residing in any institution in the same district, or
- (d) is moving from place to place and is not for the time being resident in any place,

may apply to any doctor providing services in the district in which he is temporarily residing to be accepted by him as a temporary resident and, subject to paragraph (2), if he is so accepted and is a person mentioned in sub-paragraph (a), (b) or (c) of this paragraph, he shall not be removed from the list of any doctor on which he is already included.

(2) For the purposes of this regulation, a person shall be regarded as temporarily resident in a place, if when he arrives in that place, he intends to stay there for more than 24 hours but not more than 3 months; and if the Committee for the area in which he is included on any doctor's list is satisfied, after due enquiry, that his stay in the district of temporary residence has exceeded three months and that he has not returned to that Committee's area, that Committee shall thereupon remove him from that doctor's list and, if practicable, inform him of that fact and of his entitlement to seek acceptance by any doctor, including the doctor by whom he has been treated as a temporary resident, in the area in which he is living, and of the name and address of the Committee for that area.

Doctors' lists

22.—(1) (a) The Committee shall prepare and keep revised up to date for each doctor on its medical list, a list of the patients in its area accepted by or assigned to the doctor under or by virtue of this Part of these regulations, otherwise than as a temporary resident, and any persons for whom he has under paragraph 15 of the terms of service accepted responsibility during certain periods only.

(b) The Committee shall from time to time furnish the doctor with information in such form as the Secretary of State may determine with regard to persons included on or removed from those lists.

(2) Subject to the provisions of regulation 18(7), a person accepted by a doctor for inclusion on his list shall be included on the list from the date on which notification of acceptance is received by the Committee.

(3) Where a person for whose treatment a doctor is responsible dies, or is absent from the United Kingdom for a period of 3 months, he shall be removed from the doctor's list from the date on which the Committee first receives notification of the death or absence for 3 months.

(4) Where such a person leaves the United Kingdom with the intention of being away for a period of 3 months or is in Her Majesty's Forces or is serving a prison sentence of more than 2 years or sentences totalling in the aggregate more than that period, he shall be removed from the doctor's list from the date on which the Committee first receives notification of such departure, enlistment or imprisonment.

(5) Any removal from a doctor's list caused by the transfer of a person to the list of another doctor, otherwise than in pursuance of a notice given under regulation 18(7), shall take effect from the date on which the Committee receives notification of the acceptance of the person by the last-named doctor, or, subject to consent of the Committee, on such date, being not earlier than the date of such consent, as may be agreed between the doctors.

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

PART V

METHOD OF OBTAINING MATERNITY MEDICAL SERVICES

Application for services

23.—(1) A woman who, after a doctor has diagnosed that she is pregnant, requires the provision of maternity medical services may arrange for the provision of such services with either—

- (a) any doctor on the obstetric list, or
- (b) the doctor on whose list she is included, or
- (c) any doctor who has under regulation 21(1) accepted her as a temporary resident.

(2) A woman who has arranged with a doctor for the provision of maternity medical services may agree with him to terminate that arrangement. In default of such agreement she may apply to the Committee for permission to terminate the arrangement and the Committee after considering the representations if any made by either party and after consulting the Local Medical Committee may terminate the arrangement. Where an arrangement is terminated either under this paragraph or as a result of an application by the doctor under paragraph 12 of the terms of service, the woman shall have the right to make a fresh arrangement.

PART VI

PAYMENT TO DOCTORS

Payments to doctors

24.—(1) For each financial year the Committee shall cause payments to be made to doctors providing general medical services in its area in accordance with such rates and subject to such conditions as the Secretary of State may determine after consultation with such organisations as he may recognise as representing doctors providing general medical services and publish in a Statement. The determination shall make provision for the following matters—

- (a) basic and supplementary practice allowances, and additional allowances for designated areas, group practice, vocational training, seniority and employment of assistants;
- (b) standard and supplementary capitation fees and capitation fees for elderly patients;
- (c) fees for items of service, maternity medical services and temporary residents;
- (d) fees and allowances for the supply of drugs and appliances and for rural practice;

- (e) allowances for post-graduate training, for training doctors and for study leave;
- (f) allowances for initial practice or inducement to practise;
- (g) allowances for practice expenses;
- (h) allowances for improvement of premises;
- (i) group practice loans;

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

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

PART VII

CHEMISTS

Terms of service

25. The arrangements for the provision of pharmaceutical services which it is under section 38 of the Act the duty of an Authority to make and under section 7(3) of the National Health Service Reorganisation Act 1973(a) of the Committee to administer shall incorporate the terms of service.

Pharmaceutical list

26.—(1) The Committee shall prepare a list, to be called "the pharmaceutical list", which shall contain—

- (a) the names of the chemists who pursuant to the provisions of paragraph (2) have undertaken to provide pharmaceutical services in its area;
- (b) the address of any place of business at which the chemist has undertaken to provide pharmaceutical services;
- (c) the particulars of the days and hours at which each such place of business is open for the provision of such services;

and which shall indicate the chemists who have undertaken to supply drugs or appliances or both and shall distinguish those who are entitled to dispense.

(2) (a) A chemist who wishes to be included in the pharmaceutical list shall apply to the Committee in the form set out in Schedule 4 Part II to these regulations.

(b) A person other than a chemist who wishes so to be included shall apply in the form set out in Schedule 4 Part III to these regulations.

Removal from pharmaceutical list

27.—(1) Where a Committee determines that a chemist whose name has been included in the pharmaceutical list—

- (a) has died, or
- (b) has ceased from being a chemist,

the Committee shall remove the chemist's name from the pharmaceutical list:

Provided that the name of any chemist whose business is carried on by representatives in accordance with the provisions of the Pharmacy and Poisons Act 1933(b) shall not be removed from the pharmaceutical list so long as the business

(a) 1973 c. 32.

(b) 1933 c. 25.

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.

(2) Where a Committee determines in accordance with the succeeding provisions of this regulation that a chemist whose name has been included for the preceding six months in the pharmaceutical list, has not during that period provided pharmaceutical services the Committee shall remove the chemist's name from the pharmaceutical list.

(3) Before making any determination under paragraph (2), the Committee shall—

- (a) give the chemist 28 days notice of its intention so to do,
- (b) afford the chemist an opportunity of making representations to the Committee in writing or, if he so desires, orally to a sub-committee appointed by the Committee for the purpose, of which sub-committee at least a third of the members shall be registered pharmaceutical chemists from a panel nominated by the Local Pharmaceutical Committee, and
- (c) consult the Local Pharmaceutical Committee.

(4) Nothing in paragraphs (2) and (3) shall—

- (a) prejudice the right of a chemist to be included again in the pharmaceutical list, or
- (b) affect a chemist who is performing a period of relevant service and no removal under paragraphs (2) and (3) shall be effected in respect of any such chemist until six months after he has completed that service.

Standards of and payments for drugs and appliances

28.—(1) For the purpose of enabling arrangements to be made for the provision of pharmaceutical services the Secretary of State shall compile and publish a statement (in these regulations referred to as "the Drug Tariff") which he may amend from time to time and which shall include—

- (a) the list of appliances approved by the Secretary of State for the purposes of section 38(1) of the Act;
- (b) the list of chemical reagents approved by the Secretary of State for the purposes of section 38(1) of the Act;
- (c) the standards of quality for drugs and chemical reagents;
- (d) specifications for appliances;
- (e) the prices on the basis of which the payment for drugs and appliances ordinarily supplied is to be calculated;
- (f) the method of calculating the payment for drugs not mentioned in the Drug Tariff;
- (g) the method of calculating the payment for containers and medicine measures;
- (h) the dispensing or other fees payable in respect of the supply of drugs and appliances;
- (i) arrangements for claiming fees, allowances and remuneration for the provision of pharmaceutical services;
- (j) the method by which a claim may be made for compensation for financial loss in respect of oxygen equipment.

(2) The prices referred to in paragraph (1)(e) may be fixed prices or may be subject to monthly or other periodical variations to be determined by reference to fluctuations in the cost of drugs and appliances.

Schemes for securing proper pharmaceutical services

29.—(1) The Committee, after consultation with the Local Pharmaceutical Committee, shall prepare schemes—

- (a) for testing the quality and checking the amount of the drugs and appliances supplied, provided however that for the purpose of such scheme a drug or appliance dispensed and awaiting collection shall be deemed to be supplied, and
- (b) for securing that one or more places of business in the pharmaceutical list in each district in the Committee's area shall at all reasonable times be open, which scheme shall specify the days and hours during which such places shall be open.

(2) Any such scheme may at any time be amended by the Committee after consultation with or at the request of the Local Pharmaceutical Committee.

(3) The provisions of any such scheme or of any amendment thereto shall be subject to the approval of the Secretary of State.

(4) If the Committee and the Local Pharmaceutical Committee fail to agree on any provision of or on any amendment to a scheme it shall be referred to the Secretary of State whose determination shall be final.

PART VIII

SUPPLY OF DRUGS, ETC. BY DOCTORS

Arrangements for supply by doctors of drugs and appliances

30.—(1) A person who—

- (a) satisfies the Committee that he would have serious difficulty in obtaining any necessary drugs or appliances from a chemist by reason of distance or inadequacy of means of communication, or
- (b) is resident in an area which in the Committee's opinion is rural in character, at a distance of more than one mile from the premises of any chemist,

may at any time request the doctor on whose list he is included to supply him with drugs and appliances.

(2) (a) If the doctor so requested indicates willingness to supply drugs and appliances, the Committee shall arrange with him to do so.

(b) If the doctor so requested does not indicate willingness to supply drugs and appliances, the Committee may require him to undertake such supply:

Provided that the Committee shall not require him to do so if he satisfies it or, on appeal, the Secretary of State that he does not normally supply drugs to his patients, or in the case of a person to whom paragraph (1)(b) of this regulation applies, that the person can with reasonable facility obtain drugs and appliances from a chemist.

(c) A doctor who under the provisions of the preceding sub-paragraphs supplies drugs and appliances to some or all of his patients may supply any necessary drugs and appliances to a person whom he has accepted as a temporary resident.

(3) A doctor shall be entitled to receive reasonable notice from the Committee that he is required to undertake the supply of drugs and appliances, or, where a person no longer satisfies the provisions of paragraph (1) of this regulation, that the supply is to be discontinued.

(4) Notwithstanding anything contained in this regulation, where a drug or an appliance is one for which a doctor is entitled to receive extra payment if he supplies it, he may, with the patient's consent, instead of supplying it himself, issue a prescription for that purpose.

(5) The Committee may, if it thinks fit, and shall if requested to do so by the Local Medical or Local Pharmaceutical Committee, constitute a sub-committee (in these regulations referred to as "the dispensing sub-committee"), and shall delegate to that sub-committee, subject to such conditions as it may impose, the functions conferred on the Committee by this regulation.

(6) The Committee may make, vary or revoke standing orders with regard to the terms of office of members of the dispensing sub-committee, the procedure of that sub-committee and the making of reports of their proceedings to the Committee.

PART IX

MISCELLANEOUS

Publication of particulars

31.—(1) The Committee 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 24,
- (f) the Drug Tariff,
- (g) any schemes made under regulation 29,

and shall keep them revised and up to date.

(2) The Committee 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 Committee shall send a copy of the medical list to the Secretary of State, the Authority, the Medical Practices Committee, the Local Medical, Obstetric and Pharmaceutical Committees and any person providing general medical or pharmaceutical services in its area; and at intervals of not more than 3 months shall notify them of any alteration therein:

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

(4) The Committee shall send a copy of the pharmaceutical list to the Secretary of State and to the Local Medical, Dental and Pharmaceutical Committees, and shall within 14 days of any alteration in the pharmaceutical list inform each of them thereof.

Exercise of choice of doctor or chemist in certain cases

32. An application to a doctor for inclusion on his list or to a chemist for pharmaceutical services may be made, either—

- (a) on behalf of any person under 16 years of age, by the mother, or in her absence, the father, or in the absence of both parents the guardian or other adult person who has the care of the child; or
- (b) on behalf of any other person who is incapable of making such an application by a relative or other adult person who has the care of such person; or
- (c) on behalf of any person under 18 years of age—
 - (i) in the care of an authority to whose care such a person has been committed under the provisions of the Children and Young Persons Act 1969(a) or which has received such person into care under the Children Act 1948(b), by a person duly authorised by that authority;
 - (ii) in the care of a voluntary organisation, by that organisation or a person duly authorised by them:

Provided that in each case the application may not be made by the person to whom the application is made.

Claims and overpayments

33.—(1) Any claim for fees, allowances or remuneration by doctors or chemists shall be made in accordance with the provisions of the Statement under regulation 24 or of the Drug Tariff.

(2) Where the Committee considers that a payment has been made to a doctor or chemist owing to an error or in circumstances when it was not due and the overpayment is admitted by him, it shall be recovered by a deduction from his remuneration. Where the overpayment is not so admitted, the Committee may refer the matter under regulation 4(5) of the National Health Service (Service Committees and Tribunal) Regulations 1956(c) as amended (d), for investigation, and if the Committee, or the Secretary of State on appeal, decides that there has been an overpayment, the amount overpaid shall be recovered by a deduction from the remuneration of the doctor or chemist, or otherwise.

(3) Recovery of an overpayment under the provisions of this regulation shall be without prejudice to the investigation of an alleged breach of the terms of service.

Reports by Local Medical Committees

34. Where under paragraphs 40 or 42 of the terms of service a doctor is required by the Committee to supply a report to the Local Medical Committee, the Local Medical Committee shall consider any report so supplied and make a report to the Committee as to the doctor's fitness for carrying out his obligations under the terms of service.

Revocation of regulations

35. The National Health Service (General Medical and Pharmaceutical Services) Regulations 1972(e) are hereby revoked:

Provided that—

- (a) such revocation shall not affect any right, privilege, obligation or

(a) 1969 c. 54.

(b) 1948 c. 43.

(c) S.I. 1956/1077 (1956 I, p. 1554).

(d) S.I. 1965/54, 1366, 1969/354 (1965 I, p. 69; II, p. 3878; 1969 I, p. 988).

(e) S.I. 1972/1602 (1972 III, p. 4656).

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 any such right, privilege, obligation, or liability as aforesaid, but any such proceedings may be continued or commenced as if these regulations had not been made;
- (c) such revocation shall not affect any statement, scheme, list, tariff, certificate, notice, requirement, appeal, decision, appointment, agreement, arrangement, condition, application, delegation of powers, or standing order made, prepared, issued or given under the regulations so revoked, and every such statement, scheme, list, tariff, certificate, notice, requirement, appeal, decision, appointment, agreement, arrangement, condition, application, delegation or order shall so far as it could have been made, prepared, issued or given under these regulations, have effect as if it had been so made, prepared, issued or given.

Keith Joseph,

Secretary of State for Social Services.

4th February 1974.

SCHEDULE 1

Regulation 3

PART I

TERMS OF SERVICE FOR DOCTORS

*Arrangement of paragraphs**Paragraphs*

- 1—2 Interpretation
- 3 General
- 4—5 A doctor's patients
- 6—9 Acceptance of patients
- 10—12 Termination of responsibility for patients
- 13—14 Service to patients
- 15—23 Absences, deputies, assistants and partners
- 24—28 Arrangements at practice premises
 - 29 Practice area
 - 30 Records
 - 31 Certification
- 32—34 Acceptance of fees
- 35—38 Prescribing and dispensing
 - 39 Reports to the medical officer etc.
- 40—43 Continued absence or disability of doctors
- 44 Incorporation of provisions of regulations, etc.

Interpretation

1. In these terms of service, unless the context otherwise requires,—
 - (a) "assistant" includes a trainee general practitioner;
 - (b) "deputising service" means any person or body carrying on a business which consists of, or includes, providing a deputy or deputies for doctors for periods which normally do not exceed 48 consecutive hours;
 - (c) "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974; and any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations; and
 - (d) other words and expressions have the same meaning as in the regulations.
2. Unless the context otherwise requires, any reference in these terms of service to a numbered paragraph is a reference to the paragraph bearing that number in these terms of service, and any reference in a paragraph to a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in that paragraph.

General

3. Where a decision whether any, and if so what, action is to be taken under these terms of service requires the exercise of professional judgement, a doctor shall in reaching that decision not be expected to exercise a higher degree of skill, knowledge and care than general practitioners as a class may reasonably be expected to exercise.

A doctor's patients

- 4.—(1) Subject to paragraphs 10 to 12, a doctor's patients are—
 - (a) persons who are recorded by the Committee as being on his list;

- (b) persons whom he has accepted or agreed to accept on his list, and who have not been notified to him by the Committee as having ceased to be on his list;
- (c) for the limited period specified in sub-paragraph (3), persons whom he has refused to accept;
- (d) persons who have been assigned to him under regulation 16;
- (e) for the limited period mentioned in sub-paragraph (4), persons in respect of whom he has been notified that an application has been made for assignment to him under the proviso to regulation 16(1);
- (f) persons whom he has accepted as temporary residents under paragraph 7 and regulation 21;
- (g) in respect of services under paragraph 8, persons to whom he has agreed to provide those services;
- (h) persons to whom he may be requested to give treatment which is immediately required owing to an accident or other emergency at any place in his practice area if—
 - (i) he is not a doctor to whom paragraph 5 applies, and
 - (ii) he is not, at the time of the request, relieved under paragraph 16(2) of his obligation to give treatment personally, and
 - (iii) he is available to provide such treatment, and
 - (iv) there is no doctor who, at the time of the request, is under an obligation otherwise than under this sub-paragraph to give treatment to that person, or, there is such a doctor and, after being requested to attend, he is unable to attend and give treatment immediately required;
- (i) persons in relation to whom he is acting as deputy to another doctor under these terms of service;
- (j) during the period of an appointment under regulation 19, persons whom he has been appointed to treat temporarily;
- (k) in respect of maternity medical services, women for whom he has undertaken to provide such services; and
- (l) during the hours arranged with the Committee, any person whose own doctor has been relieved of responsibility during those hours under paragraph 15 and for whom he has accepted responsibility under that paragraph;

but no person shall, except in a case to which sub-paragraphs (h)(i) or (j) applies, be a patient for the purposes of this sub-paragraph if the doctor has been notified by the Committee that he is no longer responsible for the treatment of that person.

(2) If a person applies to a doctor for treatment and claims to be on that doctor's list, but fails to produce his medical card on request and the doctor has reasonable doubts about that person's claim, the doctor shall give any necessary treatment and shall be entitled to demand and accept a fee under paragraph 32(f), subject to the provision for repayment contained in paragraph 33.

(3) If a doctor refuses to accept for inclusion on his list a person who lives in his practice area and who is not on the list of another doctor practising in that area, or refuses to accept as a temporary resident a person to whom regulation 21 applies, he shall on request give that person any immediately necessary treatment for one period not exceeding 14 days from the date when that person was refused acceptance or until that person has been accepted by or assigned to another doctor, whichever period is the less.

(4) Where the Committee has notified a doctor that it is applying for the Secretary of State's consent under the proviso to regulation 16(1), the doctor shall give the person proposed for assignment any immediately necessary treatment until the Committee has notified him that—

- (a) the Secretary of State has determined that the person shall not be assigned to that doctor, and

- (b) either the person has been accepted by, or assigned to, another doctor or another doctor has been notified that an application has been made under the proviso to regulation 16(1) to assign that person to him;

but where the Secretary of State has determined that a person shall not be assigned to a doctor, and the Committee is satisfied, after due enquiry, that the person still wishes to be assigned to a doctor, the Committee shall as soon as practicable request its Allocation Joint Committee to assign that person to another doctor or, as the case may be, seek the Secretary of State's consent to assignment to another doctor under the proviso to regulation 16(1).

5. A doctor, who is elderly or infirm or who has been exempted by the Allocation Joint Committee under regulation 16(3) from the liability to have persons assigned to him, may be relieved by the Allocation Joint Committee of any liability for emergency calls arising between 7 p.m. on weekdays and 8 a.m. on the following morning and between 1 p.m. on Saturday and 8 a.m. 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) Subject to sub-paragraph (2), a doctor may agree to accept a person on his list if the person is eligible to be accepted by him.

(2) While a doctor is responsible for treating the patients of another doctor who has given notice of retirement to the Committee or has died, he may not consent to the transfer of any of those patients under regulation 18 to his own list or that of his partner or principal.

(3) When a doctor has agreed to accept a person on his list, he shall within 14 days of receiving it, or as soon thereafter as is practicable, send to the Committee, the medical card or form of application, signed by or on behalf of both the person and the doctor. Where any person is authorised by the doctor to sign the card or form on behalf of that doctor, he shall, in addition to his own signature, add the doctor's name.

7. A doctor may accept a person requiring treatment as a temporary resident in accordance with regulation 21 and the provisions of regulation 17 concerning the maximum number of persons he may have on his list shall not restrict him from accepting such a person as a temporary resident.

8. A doctor may—

- (a) take a cervical smear from a woman who would be eligible for acceptance by him as a temporary resident or for whom he has undertaken to provide maternity medical services; or
- (b) vaccinate or immunise a person who would be eligible for acceptance by him as a temporary resident.

9. A doctor may undertake to provide maternity medical services required by a woman on his list or by a woman whom he has accepted as a temporary resident, or, if he is a doctor on the obstetric list, by any woman.

Termination of responsibility for patients

10. A doctor may have any person removed from his list by requiring the Committee so to do and the removal shall take effect on the date of acceptance by, or assignment to, another doctor or on the eighth day after the Committee is so required whichever first occurs, but, if the doctor is at the date when removal would take effect, treating the person otherwise than at intervals of more than 7 days, the doctor shall inform the Committee of the fact and removal shall take effect on the eighth day after the Committee receives notification from him that the patient no longer needs such treatment or upon acceptance by another doctor, whichever first occurs.

11. A doctor desiring to terminate his responsibility for a temporary resident may so inform the Committee; and the date on which his responsibility ceases shall be decided under paragraph 10, as if the temporary resident were a person on his list.

12. A doctor may cease to provide maternity medical services to a woman by agreement with her. In default of agreement the doctor may apply to the Committee for permission to terminate the arrangement and the Committee may terminate the arrangement after considering the representations, if any, made by either party and after consulting the Local Medical Committee. Where a doctor ceases to provide any maternity medical services, he shall inform any woman for whom he has arranged to provide such services that he is ceasing to provide them and that she may make fresh arrangements to receive those services from another doctor.

Service to patients

13. Subject to paragraph 3, a doctor shall render to his patients all necessary and appropriate personal medical services of the type usually provided by general medical practitioners. He shall do so at his practice premises or, if the condition of the patient so requires, elsewhere in his practice area or at the place where the patient was residing when accepted by the doctor, or, if a patient was on the list of a practice declared vacant, when the doctor succeeded to the vacancy, or at some other place where the doctor has agreed to visit and treat him if the patient's condition so requires, and has informed the patient and the Committee accordingly. The doctor shall not be required to visit and treat the patient at any other place. Such services include arrangements for referring patients as necessary to any other services provided under the Health Service Acts and advice to enable them to take advantage of the local authority social services. Except in an emergency, this paragraph shall not impose an obligation on the doctor to provide maternity medical services unless he has undertaken to do so.

14. A doctor shall, unless prevented by an emergency, attend and treat any patient who attends for the purpose at the places and during the hours for the time being approved by the Committee under paragraph 25 other than a patient who attends when an appointment system is in operation and who has not previously made, and is not given an appointment to see the doctor then. In such a case the doctor may decline to attend and treat 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 the circumstances. The doctor shall take all reasonable steps to ensure that a consultation is not so deferred without his knowledge.

Absences, deputies, assistants and partners

15.—(1) Subject to sub-paragraph (2) a doctor is responsible for ensuring the provision for his patients of the services referred to in paragraph 13.

(2) A doctor may be relieved of this responsibility (except for persons mentioned in sub-paragraphs 4(1)(h), (j) and (k)) during such times as may be approved by the Committee. Such relief—

(a) shall not be given unless the Committee 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 on his list or as a temporary resident) of the hours during which he is responsible for services.

(4) The responsibility under sub-paragraph (1) of a doctor with whom a Committee has made arrangements under sub-paragraph (2)(a) shall extend to the patients on the list of the doctor to whom such relief is given during the times and only to the extent of such relief and shall include the responsibility to inform that doctor as soon as practicable of any services under paragraph 13 which he has given to those patients.

16.—(1) Subject to sub-paragraphs (2) and (3) a doctor shall give treatment personally.

(2) In the case of general medical services other than maternity medical services, a doctor shall be under no obligation to give treatment personally if such reasonable steps as are appropriate are taken to ensure continuity of treatment, and treatment may be given—

- (a) by another doctor acting as deputy, whether or not he is a partner or assistant, or
- (b) if it is treatment which it is clinically reasonable in the circumstances to delegate, by a person whom the doctor has authorised and who is competent to carry out such treatment.

(3) In the case of maternity medical services, a doctor on the obstetric list shall not without the consent of the Committee employ for the purposes of providing such services a deputy or assistant who is not, or is not qualified by experience to be, a doctor on the obstetric list, but this sub-paragraph shall not apply where there has been a summons to an obstetric emergency. In this sub-paragraph, a summons to an obstetric emergency means a summons by a midwife or on behalf of the patient to attend when medical attention is required urgently, in cases of illness of the patient or infant or in the case of any abnormality becoming apparent in the patient or infant during pregnancy, labour or the lying-in period.

17.—(1) In relation to his obligations under these terms of service, a doctor is responsible for all acts and omissions of any doctor acting as his deputy, whether or not he is a partner or assistant, or of any person employed by him or acting on his behalf:

Provided that a doctor shall not be responsible for any act or omission for which a deputy is responsible under sub-paragraph (2).

(2) A doctor who is included on the medical list, when acting as deputy to another doctor who is also included on that list, shall be responsible for his own acts and omissions in relation to the obligations under these terms of service of the doctor for whom he acts as deputy and for the acts and omissions of any person employed by him.

18. A doctor shall inform the Committee of any standing deputising arrangements unless the deputy is an assistant of the doctor or is a doctor included on the medical list of a Committee, and the deputy will carry out these arrangements at the premises at which the doctor practises. When a doctor proposes to be absent from his practice for more than a week, he shall inform the Committee of the name of the doctor or doctors responsible for his practice during his absence.

19.—(1) Before entering into arrangements with a deputising service for the provision of a deputy or deputies, a doctor shall obtain the consent of the Committee. In giving such consent, the Committee may also impose such conditions as it considers necessary or expedient to ensure the adequacy of such arrangements. Before refusing consent or imposing conditions, the Committee shall consult the Local Medical Committee.

(2) The Committee may at any time, and shall periodically, review in consultation with the Local Medical Committee any such consent given or conditions imposed and may withdraw such consent or vary such conditions.

(3) A doctor may appeal to the Secretary of State against refusal of consent or the imposition of a condition under sub-paragraph (1) or against withdrawal of consent or variation of conditions under sub-paragraph (2). In determining such an appeal the Secretary of State may substitute for the Committee's decision such decision and conditions as he thinks fit.

20. A doctor shall take reasonable steps to satisfy himself that a doctor whom he proposes to employ as a deputy or assistant is not disqualified under section 42 of the Act for inclusion on the medical list of the Committee or has not given an undertaking that he will not apply for inclusion on a Committee's medical list; and he shall not without the consent of the Secretary of State knowingly employ a doctor who is so disqualified or has given such an undertaking.

21.—(1) A doctor shall inform the Committee of the name of any assistant he employs and of the termination of such employment, and shall not employ any one or more assistants for a total period of more than three months in any period of 12 months without the consent of the Committee. The Committee shall periodically review and may withdraw any consent given, but, before refusing or withdrawing consent, the Committee shall consult the Local Medical Committee. The doctor may appeal to the Medical Practices Committee against refusal or withdrawal of consent.

(2) Any withdrawal of consent under the foregoing sub-paragraph shall not have effect until the expiration of a period of one month after the date of notification of withdrawal:

Provided that if a doctor appeals to the Medical Practices Committee against the withdrawal, and the Medical Practices Committee dismisses the appeal, the withdrawal shall not take effect until after such date as that committee determines being not less than one month after the date of such dismissal.

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

23. When issuing a document under these terms of service a deputy or assistant (other than a partner or assistant whose name is included on the medical list) shall enter on it the name of the doctor for whom he is acting, if it does not already appear, as well as signing the document himself.

Arrangements at practice premises

24. A doctor shall provide proper and sufficient accommodation at his practice premises having regard to the circumstances of his practice, and shall, on receipt of a written request from the Committee, allow inspection of those premises at a reasonable time by a member or officer of the Committee or Local Medical Committee or both, authorised by the Committee for the purpose.

25. Subject to—

- (a) the terms in which the Medical Practices Committee granted his application for inclusion on the medical list or to succeed to a practice declared vacant, or
- (b) any condition imposed by the Medical Practices Committee, or, on appeal, by the Secretary of State, under section 34(4) or 34(6), as the case may be, of the Act,

a doctor shall obtain the approval of the Committee or, on appeal, the Secretary of State, to the places where and the times during which he is available for consultation whether or not he operates an appointment system and to any changes in them. The Committee shall consult the Local Medical Committee and approval shall not unreasonably be withheld. Approval may be given subject to such conditions as seem necessary to the Committee, or to the Secretary of State, to enable the doctor to carry out his obligations under these terms of service. The Committee may, as it considers appropriate, require a doctor to inform his patients, by displaying a notice in his waiting room or sending notices to them, of any special arrangements for the conduct of his practice or of any substantial changes in his practice arrangements.

26. A doctor who—

- (a) intends to operate an appointment system, or
- (b) succeeds to a practice where such a system is in force, or
- (c) joins a partnership operating such a system,

shall notify the Committee of any appointment system which he proposes to operate, or as the case may be, of any proposal to discontinue such a system.

27. A doctor shall not, without the consent of the Committee, or on appeal the Medical Practices Committee, carry on practice at any house, flat, surgery, branch surgery, or other similar premises (referred to in this paragraph as "the practice premises") which have been previously occupied or used for the purpose of his practice

by another doctor (referred to in this paragraph as “the former occupant”) whose practice has been declared vacant and to whose practice a successor has been, or is to be, appointed; but this provision shall not apply—

- (a) where the former occupant or his executors or administrators has or have, in agreement with the Committee, made an offer to the successor on his appointment to sell or let to him the practice premises upon terms to be approved by the Medical Practices Committee and upon terms that the offer cannot be withdrawn within one month from the date on which the successor was appointed, and the successor has failed or refused to accept the offer before the expiry thereof; or
- (b) where such an offer was made to the successor and accepted by him before its expiry and the approval of the Medical Practices Committee has been given to the terms of the proposed agreement; or
- (c) after the expiration of a period of 12 months from the date on which the successor was appointed; or
- (d) where the former occupant was a member of a partnership and the doctor concerned is another member of the partnership who acquires the practice premises in accordance with the terms of a partnership agreement which has been in operation for a period of 12 months before the date on which notice of the former occupant’s intended retirement was given to the Committee concerned, or the date of the former occupant’s death; or
- (e) where the doctor is using the practice premises in consequence of temporary arrangements for the carrying on of the practice made either under regulation 19 or by agreement between the former occupant or his executors or administrators and the successor pending the approval of the Medical Practices Committee to a proposed sale or lease of the practice premises to the successor.

In this paragraph “successor” means the doctor appointed by the Medical Practices Committee or, in the case of an appeal, by the Secretary of State, to succeed to the practice in accordance with regulations 11 and 12 and “the date on which the successor was appointed” means the date on which the successor is informed that no appeal has been made against the decision of the Medical Practices Committee, or in the case of an appeal, is notified of the decision of the Secretary of State.

28.—(1) Subject to sub-paragraph (2), a doctor shall not, without the consent of the Committee, or on appeal the Medical Practices Committee, start to practise at any house, flat, surgery, branch surgery or other similar premises (referred to in this paragraph as “the practice premises”) within 1 year of their having ceased to be occupied or used for the purpose of his practice by another doctor (referred to in this paragraph as “the former occupant”) who was within one month of such cessation practising at group practice premises as a member of a group or at accommodation made available by the Secretary of State less than 3 miles away (in either case) from the practice premises.

(2) Sub-paragraph (1) shall not apply—

- (a) where the former occupant gives written consent to another doctor to use the practice premises, or
- (b) after the former occupant has (or if there were more than one former occupant, all the former occupants have) ceased to practise at the group practice premises as a member of a group or at accommodation made available by the Secretary of State, or
- (c) to any of the former occupants who has ceased to practise at such premises as are mentioned in sub-paragraph (2)(b).

(3) In this paragraph “group practice premises” means premises where practice is wholly or mainly carried on by doctors who are eligible for an additional payment in respect of practice as members of a group.

Practice Area

29.—(1) Subject to sub-paragraph (2), a doctor may at any time with the consent of the Committee, 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 34(4) or 34(6) as the case may be of the Act, open practice premises in any area or part of the area of an Authority, where, at the time of his application to open such premises, the Medical Practices Committee is of the opinion that the number of medical practitioners undertaking to provide general medical services in that area or part is already adequate.

Records

30. A doctor shall—

- (a) keep adequate records of the illnesses and treatment of his patients on forms supplied to him for the purpose by the Committee, and
- (b) forward such records to the Committee on request as soon as possible, and
- (c) within 14 days of being informed by the Committee of the death of a person on his list and in any case not later than one month of otherwise learning of such a death, forward the records relating to that person to the Committee.

Certification

31. A doctor shall issue for his patients free of charge the certificates prescribed in Schedule 3 to these regulations, being medical certificates reasonably required by them under or for the purposes of the enactments therein specified except when, for the condition to which the certificate relates, the patient—

- (a) is being attended by another doctor (other than a partner, assistant or other deputy of the first-named doctor), or
- (b) is not being treated by, or under the supervision of, a doctor,

and any certificate given under this paragraph for the purposes of the National Insurance Acts 1965-1973 or the National Insurance (Industrial Injuries) Acts 1965-1973 shall be issued in accordance with any regulations made or having effect under those Acts.

Acceptance of fees

32. A doctor shall not, otherwise than under or by virtue of the provisions of the regulations, demand or accept a fee or other remuneration for any treatment, including maternity medical services, whether under these terms of service or not, which he gives to the person for whose treatment he is responsible under paragraph 4, except—

- (a) from any statutory body for services rendered for the purpose of that body's statutory functions;
- (b) from any body, employer or school for a routine medical examination of persons for whose welfare the body, employer or school is responsible, or an examination of such persons for the purpose of advising the body, employer or school of any administrative action they might take;
- (c) for treatment which is not of a type usually provided by general practitioners and which is 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 Health Service Acts,

if (in either case) the doctor is serving on the staff of a hospital providing services under the Health Service Acts as a specialist providing treatment of the kind the patient requires and if within 7 days from giving the treatment the doctor supplies the Committee, on a form provided by it for the purpose, with such information about the treatment as it may require;

- (d) under section 155 of the Road Traffic Act 1972(b);
- (e) from a dentist in respect of the provision at his request of an anaesthetic for a person for whom the dentist is providing general dental services;

(a) 1968 c. 46.

(b) 1972 c. 20.

- (f) when a doctor treats a patient under paragraph 4(2), in which case the doctor shall be entitled to demand and accept a reasonable fee (recoverable under paragraph 33) for any treatment given and for any drugs and appliances supplied, if he gives the patient a receipt on a form supplied by the Committee;
- (g) for either the prescribing of a contraceptive substance or the prescribing and fitting of a contraceptive appliance where the substance or appliance is not necessary to preserve the patient's physical or mental health, and is not ordered on a form provided by the Committee for the purpose of paragraph 36, so however that no remuneration shall be demanded or accepted for an examination or advice connected with such prescribing or fitting;
- (h) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings which the police are minded to bring against him;
- (i) for treatment consisting of an immunisation for which no remuneration is payable by the Committee in pursuance of the Statement made under regulation 24 and which is requested in connection with travel abroad;
- (j) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground.

33. If a person from whom a doctor received a fee under paragraph 32(f) applies to the Committee for a refund within 14 days of payment of the fee (or such longer period not exceeding a month as the Committee may allow if it is satisfied that the failure to apply within 14 days was reasonable) and the Committee is satisfied that he was on the doctor's list, the Committee may recover the fee from the doctor by deduction from his remuneration or otherwise and shall repay it to the patient. 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 Committee, the Committee shall credit him with the appropriate amount.

34. 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 remuneration for treatment given 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.

Prescribing and dispensing

35. A doctor shall supply drugs or listed appliances needed for immediate treatment of a patient before a supply can be obtained otherwise.

36. Subject to paragraph 38, a doctor shall order, by issuing to a patient a prescription on a form provided by the Committee, or, where the doctor is on the medical list of more than one Committee, by the Committee which is responsible for the supply of the form, any drugs and listed chemical reagents or listed appliances which are needed for the patient's treatment. The prescription shall not refer to a previous prescription. The doctor shall himself sign the prescription form in ink with his initials, or forenames, and surname in his own handwriting and not by means of a stamp, and shall so sign only after particulars of the order have been inserted in the prescription form. A doctor shall use such forms only in the course of treating persons to whom he is providing treatment under these terms of service. A separate form shall be used for each patient except where a doctor is prescribing in bulk for a school or institution under the following paragraph.

37.—(1) A doctor who is responsible under these terms of service for the treatment of ten or more persons in a school or institution in which at least twenty persons normally reside may use a single form for ordering drugs referred to in sub-paragraph (2) for any two or more of the persons for whose treatment he is responsible, but instead of entering on the form the names of the persons he shall enter on it the name of the school or institution and the number of persons residing there for whose treatment he is responsible.

(2) The drugs to which this paragraph applies are preparations which can be supplied as part of the pharmaceutical services and are included in the current edition of the British National Formulary (specified in section 103(1)(e) of the Medicines Act 1968(a)) in force at the time of ordering the drugs (except preparations marked therein with the symbol "DD" or preparations containing a poison included in Part A of schedule 4 to the Poisons Rules 1972(b)) and any other drugs which the Secretary of State may from time to time notify to doctors and chemists as being drugs to which this paragraph applies.

(3) This paragraph shall apply also to a prescription for the supply of dressings in an institution recognised by the Secretary of State for the purposes of this paragraph.

38. A doctor who is authorised or required by the Committee to supply drugs and appliances under regulation 30 shall supply when necessary in a suitable container any drugs and chemical reagents or appliances needed for the treatment of those patients and he shall not except under regulation 30(4) issue to those patients a prescription on a form supplied by the Committee.

Reports to the medical officer etc.

39. A doctor shall—

- (a) supply in writing to a medical officer within such reasonable period as that officer may specify any relevant clinical information which he requests about a patient to whom the doctor under these terms of service has issued or has refused to issue a medical certificate, and
- (b) answer any inquiries by a medical officer about a prescription or medical certificate issued by the doctor under these terms of service or about any statement which the doctor has made in a report under these terms of service.

Continued absence or disability of doctor

40. Where it appears to the Committee after consultation with the Local Medical Committee, that a doctor is incapable of adequately carrying out his obligations under the terms of service because of physical or mental disability, he may be required by the Committee to supply to the Local Medical Committee for action under regulation 34 a medical report by a suitably qualified doctor as to such aspects of his health as the Local Medical Committee may specify.

41. Where a Committee is satisfied—

- (a) after receiving a report under paragraph 40 from the Local Medical Committee that because of physical or mental disability, or
- (b) after consulting the Local Medical Committee, that because of continued absence,

a doctor's obligations under the terms of service are not being adequately carried out, it may after consulting the Local Medical Committee and with the consent of the Secretary of State—

- (i) make arrangements for securing the treatment of persons on the list of that doctor; or
- (ii) give notice to the persons on his list that the doctor is for the time being in its opinion unable to carry out his obligations under the terms of service.

42. To enable the Committee to decide whether any arrangements made under paragraph 41(i) should be terminated, or where notice has been given under paragraph 41(ii) whether a further notice should be given to the persons on the doctor's list that he is now, in the Committee's opinion, able to carry out his obligations under the terms of service, a doctor may be required by the Committee, after consultation with the Local

(a) 1968 c. 67.

(b) S.I. 1972/1939 (1972 III, p. 5750).

Medical Committee, to supply to the Local Medical Committee for action under regulation 34 a medical report by a suitably qualified doctor as to such aspects of his health as the Local Medical Committee may specify.

43. The Committee may deduct from the doctor's remuneration in part or in whole the cost of any arrangements made under paragraph 41 and, if the doctor is performing relevant service in an emergency recognised by the Secretary of State for the purpose of the regulations, the Committee shall deduct from his remuneration the cost of arranging for any deputy.

Incorporation of provisions of regulations etc.

44. 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 published under regulation 24; and
- (c) so much of part II of the National Health Service (Service Committees and Tribunal) Regulations 1956(a) as amended(b) as relates to—
 - (i) the investigation of questions arising between doctors and their patients and other investigations to be made by the medical service committee and the joint services committee and the action which may be taken by the Committee as a result of such investigations;
 - (ii) appeals to the Secretary of State from decisions of the Committee;
 - (iii) the investigation of cases of alleged excessive prescribing;
 - (iv) the investigation of certification;
 - (v) the investigation of record keeping;
 - (vi) decisions as to treatment for which fees may be charged;
 - (vii) the determination of the question whether a substance is a drug.

(a) S.I. 1956/1077 (1956 I, p. 1554).

(b) S.I. 1965/54, 1366, 1969/354 (1965 I, p. 69; II, p. 3878; 1969 I, p. 988).

Regulation 7(1)

PART II

APPLICATION FOR INCLUSION ON MEDICAL LIST

To the FAMILY PRACTITIONER COMMITTEE OF THE [NAME] AREA HEALTH AUTHORITY

I..... (male/female*—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,.....

apply to be included on the list of doctors undertaking to provide—

*general medical services *including maternity medical services
*excluding

*general medical services, limited to maternity medical services for persons in the Committee'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.

My present or most recent appointment is/was.....

I intend to practise in partnership with.....
of (name and address)

who * is
*is not on the Committee's medical list (state NO-ONE if not intending to practise in partnership)

*I have applied
*I intend to apply to the Local Obstetric Committee for approval of my obstetric experience.

If my application is granted—

a. my practice area and my surgery hours will be:—

Practice Area† Practice Premises Days and hours of attendance

b. telephone number or numbers at which I am prepared to receive messages are

c. In addition, if I accept as a patient a person who at the time of my acceptance is residing at a place outside the said practice area, I undertake to visit him at that place.

Signed:—

Date:—

*Delete as appropriate.
†Define as precisely as possible.

PART III

Regulation 7(2)

APPLICATION FOR FILLING A VACANCY

To the FAMILY PRACTITIONER COMMITTEE OF THE [NAME] AREA HEALTH AUTHORITY

I (male/female*)
(full name in BLOCK LETTERS)

residing at

a registered medical practitioner included in the medical register in that name

i. *apply to succeed to the practice at.....
declared vacant.

ii. *apply to be appointed to the vacancy at.....
in respect of which an additional doctor is required.

If I am selected—

a. my practice area and my surgery hours will be:—

Practice Area† Practice premises Days and hours of attendance

b. telephone number or numbers at which I am prepared to receive messages are

c. In addition, if a person accepted by me, or included on the list of the above-mentioned
practice, is at the time of my acceptance or succession (as the case may be) residing
at a place outside the said practice area, I undertake to visit him at that place.

PART A

(to be completed by all applicants)

1. a. Date of birth:—..... b. Date and place of medical registration:—.....

2. Professional qualifications (and where obtained):—.....

3. *I am
*I am not on the medical list for the Committee's area.

4. If not on the Committee's medical list, state present or most recent appointment (if
any) and if in general practice whether as a principal or assistant or locum:—
.....

5. My professional experience is set out on the attached paper in accordance with the
requirements of the appendix hereto.

6. Particulars of any covenants restricting medical practice in the Committee's area
(if any):—

7. If I am selected, I intend to practise in partnership with.....
(name and address)

who ^{*is}
^{*is not} on the Committee's medical list. (State NO ONE if not intending to practise
in partnership).

8. If not on the Committee's medical list:—

i. Name of any other Family Practitioner Committee(s) on whose list the applicant
is included:—

*Delete as appropriate.

†Define as precisely as possible.

- ii. Whether approved by a Local Obstetric Committee:—.....(YES or NO)
- iii. Particulars of any applications still outstanding for inclusion on the medical list of any Family Practitioner Committee:—

9. Names and addresses of two referees:—

Date:—..... Signed:—.....

PART B

(To be completed only by applicants whose names are NOT included on the medical list of the Committee's area)

If I am selected for the vacancy—

- 1. I apply to be included on the list of doctors undertaking to provide general medical services ^{*including} maternity medical services for persons in the Committee's area, _{*excluding}
- 2. I accept service under, and agree to be bound by, the terms of service for the time being in operation in the area, and
- 3. I ^{*intend} _{*do not intend} to apply to the Local Obstetric Committee for approval of my obstetric experience.

Date:—..... Signed:—.....

APPENDIX

Statement of Professional Experience

Please separate into—

- 1. Trainee or assistant experience in general practice
- 2. General practice experience
- 3. Hospital appointments
- 4. Other (including obstetric) experience
- 5. Any other additional supporting particulars

stating in each case the dates of start and finish of each period of experience or appointment mentioned. If applicant has been a trainee general practitioner or an assistant state name and address of principal.

*Delete as appropriate.

SCHEDULE 2

Regulation 13

Form of Certificate to be issued by Medical Practices Committee under section 35(9) of the National Health Service Act 1946

WHEREAS _____ has applied to the Medical Practices Committee under section 35(9) of the National Health Service Act 1946 for its 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 Medical Practices 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 Medical Practices Committee has considered the application:

NOW THEREFORE the Medical Practices Committee hereby certifies that it is satisfied that the transaction or series of transactions does not involve such a sale as aforesaid.

Dated this _____ Schedule _____
day of _____ 19 .

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

SCHEDULE 3

Regulation 31

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 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 1973
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 (2 & 3 Geo. 6 c.83) Pensions (Mercantile Marine) Act 1942 (5 & 6 Geo. 6 c. 26).
3. To enable proxy to draw pensions, etc.	Naval and Marine Pay and Pensions Act 1865 (28 & 29 Vict. c. 73) Air Force (Constitution) Act 1917 (7 & 8 Geo. 5. c. 51) Personal Injuries (Emergency Provisions) Act 1939 (2 & 3 Geo. 6 c. 82) Polish Resettlement Act 1947 (10 & 11 Geo. 6 c. 19) Home Guard Act 1951 (15 & 16 Geo. 6 and 1 Eliz. 2 c.8)

Medical Certificate	Short title of enactment under or for the purpose of which certificate required
4. To establish pregnancy for the purpose of obtaining welfare foods.	Emergency Laws (Re-enactments and Repeals) Act 1964 (1964 c.60)
5. To enable patient to have his sight tested under the General Ophthalmic Services.	National Health Service Acts 1946 to 1973
6. To establish fitness to receive inhalational analgesia in childbirth.	Midwives Act 1951 (14 & 15 Geo. 6 c. 53)
7. To secure registration of still birth	Births and Deaths Registration Act 1953 (1 & 2 Eliz. 2 c.20)
8. 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 (7 & 8 Eliz. 2 c. 72)
9. To establish unfitness for jury service.	Criminal Justice Act 1972 (1972 c. 71)
10. To establish unfitness to attend for medical examination.	National Service Act 1948 (11 & 12 Geo. 6 c. 64)
11. 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 (7 & 8 Geo. 6 c. 15)
	Reinstatement in Civil Employment Act 1950 (14 & 15 Geo. 6 c. 10)
	Reserve and Auxiliary Forces (Training) Act 1951 (14 & 15 Geo. 6 c.23)
	Army Reserve Act 1962 (10 & 11 Eliz. 2 c.10).
	Ulster Defence Regiment Act 1969 (1969 c. 65)
12. To enable a person to be registered as an absent voter on grounds of physical incapacity.	Representation of the People Act 1949 (12, 13 & 14 Geo. 6. c68)

SCHEDULE 4

Regulation 25

PART 1

TERMS OF SERVICE FOR CHEMISTS

Interpretation

1. In this Schedule, unless the context otherwise requires,
 - (1) the expression "the regulations" means the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974;
 - (2) the expression "dentist" means a registered dental practitioner;
 - (3) the expression "prescription form" means a form supplied by an authority and issued by a doctor or a dentist to enable a person to obtain pharmaceutical services as defined by section 38 of the Act;
 - (4) other words and expressions have the same meaning as in the regulations;
 - (5) any reference to a numbered regulation is a reference to the regulation bearing that number in the regulations;
 - (6) 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.

Provision of pharmaceutical services

2.—(1) A chemist shall supply with reasonable promptness to any person who presents an order for drugs, listed drugs and medicines or listed appliances on a prescription form signed by a doctor or by his deputy or assistant or by a dentist or his deputy or assistant such drugs as may be so ordered and such of the appliances so ordered as he supplies in the normal course of his business.

(2) A chemist shall not provide pharmaceutical services except on an order on such a signed prescription form:

Provided that where a doctor personally known to the chemist requests him by telephone or in writing to dispense a drug in a case of urgency before a prescription form is issued and undertakes to furnish him within 24 hours with a signed prescription form therefor, the chemist may supply the drug prior to receiving the form.

(3) Subject to the provision of any regulations in force under section 10(7) of the Weights and Measures Act 1963(a), any supply under this paragraph shall conform to the requirement of the order on the prescription form.

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

(5) All drugs so supplied which are included in the Drug Tariff shall be of a grade and quality not lower than the grade or quality specified therein and any drugs which are not so included shall be of a grade or quality ordinarily used for medical purposes.

(6) 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.

Place and hours of business

3.—(1) Pharmaceutical services shall be provided—

- (a) at the place or places of business specified in the application made by the chemist for inclusion in the pharmaceutical list, and
- (b) during the hours specified in the scheme made by the Committee under regulation 29.

(2) At each place of business at which a chemist provides pharmaceutical services he shall exhibit—

- (a) a notice to be provided by the Committee in the form set out in Part IV or Part V of this Schedule, and
- (b) at times when his place of business is not open and in such manner as to be legible from outside his place of business, a notice to be provided by the Committee in the form prescribed in Part VI of this Schedule giving the addresses of other chemists in the pharmaceutical list whose places of business are required to be open in accordance with the said scheme at such times, and the times at which they are so open.

Dispensing of medicines and fitting of appliances

4.—(1) The dispensing of medicines shall be performed either by or under the direct supervision of a registered pharmaceutical chemist who shall not be, unless the Secretary of State otherwise consents, a person disqualified for inclusion in the pharmaceutical list under section 42 of the Act or by a person who for three years immediately prior to 16th December 1911 acted as a dispenser to a doctor or a public institution.

(2) Subject to paragraph 2(1) a chemist shall make all necessary arrangements—

- (a) for measuring a person who presents a prescription for a truss or other appliance of a type requiring measurement and fitting by the chemist, and
- (b) for fitting the appliance.

(3) A chemist shall during the hours when he is required to be available for the provision of pharmaceutical services under the scheme made under regulation 29 be readily available to make all necessary adjustments to the appliance and shall make such adjustments with reasonable promptness.

Particulars of chemists

5. A chemist shall give the Committee, if it so requires, the name of any registered pharmaceutical chemist employed by him in dispensing medicines for persons from whom he has accepted an order for the provision of pharmaceutical services under paragraph 2.

Charges for drugs

6. Subject to the provisions of any regulations made under section 38 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 a container in response to an order for drugs signed by a doctor under paragraph 36 of Schedule 1 Part I to the regulations or 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 Committee in the event of the loss of, or damage to, such container or equipment, except as may be provided in the Drug Tariff.

Advertising

7.—(1) Except as provided in sub-paragraph (2), a chemist shall not advertise either directly or by implication that his name is included in a pharmaceutical list or that he provides or is authorised to provide pharmaceutical services.

(2) Nothing in this paragraph shall prohibit—

- (a) the display of the notices referred to in paragraph 3(2); or
- (b) the use in any advertisement of wording identical with that contained in such notices, or of the following wording (or wording substantially to the like effect approved by the Secretary of State) as appropriate:—“National Health Service Prescriptions Dispensed” or “Drugs/Appliances supplied under the National Health Service”; or
- (c) the inclusion in any advertisement of a statement of the days and hours at which pharmaceutical services are provided.

- (3) For the purposes of this paragraph, the expression "advertise" includes—
- (a) the publication of a notice in any newspaper or other printed paper issued periodically for public circulation;
 - (b) the issue of circular letters;
 - (c) the use of letter headings, bill or account headings and the like;
 - (d) the publication of booklets, leaflets and pamphlets;
 - (e) canvassing in any form;
 - (f) the making of any public announcement by means of wireless, gramophone records or loud speakers;
 - (g) the display of any poster, placard, streamer or sign;
 - (h) the exhibition of any film, slide or announcement at a theatre, cinema or any other place of public entertainment or resort.

Remuneration of chemists

8.—(1) A chemist shall in making claims for fees, allowances and remuneration for the provision of pharmaceutical services observe the requirements of the Drug Tariff.

(2) The Committee shall cause to be made to chemists for drugs and appliances, containers and dispensing fees payments calculated in the manner provided by the Drug Tariff subject to any deduction required to be made by regulations made under section 38 of the Act.

(3) The Committee 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 Committee shall take such objection into consideration.

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

Fair Wages for staff

9. A chemist shall, in respect of the categories of staff whose wages and conditions of work are approved by the National Joint Industrial Council for Retail Pharmacy, pay rates of wages and observe conditions not less favourable than those for the time being so approved.

Revision of terms of service

10.—(1) The Committee may, with the approval of the Secretary of State, alter the terms of service as from such date as he may approve by giving to each chemist, subject to sub-paragraph (3), notice of the proposed alteration.

(2) Except in the case of an alteration which results from the coming into operation of an 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 chemists, the Committee shall before making an alteration consult with the Local Pharmaceutical Committee, and the alteration shall not come into operation within a period of 3 months from the date of the issue of the notice.

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

Withdrawal from pharmaceutical list

11. A chemist may at any time give notice to the Committee that he desires to withdraw his name from the pharmaceutical list and his name shall be removed therefrom at the expiry of three months from the date of such notice or of such shorter period as the Committee may agree:

Provided that if representations are made to the Tribunal under the provisions of section 42 of the Act that the continued inclusion of a chemist in the pharmaceutical 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 have his name removed from such list pending the termination of the proceedings on such representations.

Incorporation of provisions

12. 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) Regulations 1956(a) as amended(b) as relates to—
 - (i) investigation of questions arising between chemists and persons receiving pharmaceutical services 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 Committee 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 Committee.

(a) S.I. 1956/1077 (1956 I, p. 1554).

(b) The relevant amending instrument is S.I. 1965/1366 (1965 II, p. 3878).

PART II

Regulation 26(2)(a)

APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST BY REGISTERED PHARMACEUTICAL CHEMIST AND AUTHORISED SELLER OF POISONS

To The FAMILY PRACTITIONER COMMITTEE OF THE [Name] AREA HEALTH AUTHORITY

- 1. I/We of apply to have my/our name/s included in the pharmaceutical list and undertake to dispense medicines and supply drugs and appliances under the terms of service for the time being in operation in the area of the Committee.
 - 2. The premises within the area of the Committee at which I/we am/are/will be entitled by law 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 by law 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 registered pharmaceutical 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. Where a person wishes to have an application to be included in the pharmaceutical list considered in advance of registration 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 in the pharmaceutical list wishes to practise from additional or alternative premises.

PART III

Regulation 26(2)(b)

APPLICATION FOR INCLUSION IN PHARMACEUTICAL LIST BY PERSON OTHER THAN REGISTERED PHARMACEUTICAL CHEMIST AND AUTHORISED SELLER OF POISONS

To the FAMILY PRACTITIONER COMMITTEE OF THE [NAME] AREA HEALTH AUTHORITY

- 1. I/We.....of apply to have my/our name/s included in the Committee'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 of service for the time being in operation in the area of the Committee.
 - 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 pharmaceutical list who wishes to undertake to supply for the said purposes from additional or alternative premises.

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

Schedule 4 Paragraph 3(2)(a) PART IV
NOTICE TO BE EXHIBITED BY REGISTERED PHARMACEUTICAL CHEMISTS AND AUTHORISED
SELLERS OF POISONS

[Name] AREA HEALTH AUTHORITY
FAMILY PRACTITIONER COMMITTEE

Name of person, firm or company:—.....
Dispenser of medicines and supplier of drugs and appliances.

These premises are open at the following times:—

Schedule 4 Paragraph 3(2)(a) PART V
NOTICE TO BE EXHIBITED BY PERSONS OTHER THAN REGISTERED PHARMACEUTICAL
CHEMISTS AND AUTHORISED SELLERS OF POISONS

[Name] AREA HEALTH AUTHORITY
FAMILY PRACTITIONER COMMITTEE

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) as necessary

Schedule 4. Paragraph 3(2)(b) PART VI
NOTICE TO BE EXHIBITED BY REGISTERED PHARMACEUTICAL CHEMISTS AND AUTHORISED
SELLERS OF POISONS WHEN THE PREMISES ARE CLOSED

[Name] AREA HEALTH AUTHORITY
FAMILY PRACTITIONER COMMITTEE

When these premises are closed, medicines and appliances may be obtained at the
addresses and times shown below:—

SCHEDULE 5

PROVISIONS CONFERRING POWERS EXERCISED IN MAKING THESE REGULATIONS

PART I

Column 1		Column 2
The National Health Service Act 1946(a)	section 32	National Health Service (Amendment) Act 1949 section 29(b); National Health Service Reorganisation Act 1973 section 57(1)(c);
	33	National Health Service (Amendment) Act 1949 section 14; National Health Service Reorganisation Act 1973 section 57(1);
	34	National Health Service (Amendment) Act 1949 sections 3 and 15; National Health Service Reorganisation Act 1973 section 57(1);
	38	National Health Service (Amendment) Act 1949 sections 14(2) and 16; Health Services and Public Health Act 1968 section 30(1)(d); National Health Service Reorganisation Act 1973 sections 42 and 57(1);
	39	National Health Service Reorganisation Act 1973 section 57(1);
	45	—
	74	National Health Service Reorganisation Act 1973 section 57(1);
	Schedule 6	Health Services and Public Health Act 1968 section 78;
Health Services and Public Health Act 1968	29	National Health Service Reorganisation Act 1973 section 57(1);

PART II

The National Health Service Reorganisation Act 1973	Section 7(3) and (4)	—
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(a) 1946 c. 81.
(c) 1973 c. 32.

(b) 1949 c. 93.
(d) 1968 c. 46.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations re-enact the National Health Service (General Medical and Pharmaceutical Services) Regulations 1972 with amendments mainly consequential upon the passing of the National Health Service Reorganisation Act 1973. The chief of these amendments is the substitution of the Family Practitioner Committee for the Executive Council. Some other amendments have been made which are minor and drafting amendments or mainly procedural in nature.

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