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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1016**

**The General Medical Services Transitional and  
Consequential Provisions (Wales) (No. 2) Order 2004**

**PART 6**

**TRANSITIONAL ARRANGEMENTS: THE NATIONAL HEALTH SERVICE  
(SERVICE COMMITTEES AND TRIBUNAL) REGULATIONS 1992**

**Decision as to treatment for which fees may be charged by doctors (regulation 18 of the  
Service Committees Regulations)**

**79.**—(1) Where a question has arisen as to whether any treatment given by a doctor to a patient is treatment for which he or she may demand or accept a fee from a patient within the meaning of regulation 18(1), and that question has arisen before the relevant date, or on or after the relevant date in respect of any fee charged by a doctor before the relevant date, and that question—

- (a) has not been referred for consideration by the Local Medical Committee; or
- (b) has been referred to the Local Medical Committee and the Local Medical Committee has not yet finally determined the matter pursuant to regulation 18,

the question may, in a case falling within sub-paragraph (a), be referred as if the amendments to that regulation and Schedule 7 had not taken effect and, in relation to both sub-paragraphs, the Local Medical Committee shall consider or continue to consider (as the case may be) and determine the matter in accordance with regulation 18 and Schedule 7, subject to the provisions in this article.

(2) Where a Local Medical Committee makes a determination pursuant to paragraph (1), regulation 18(6) shall apply to the Local Health Board.

(3) Where a Local Health Board—

- (a) has referred a finding of a Local Medical Committee made before the relevant date to the Assembly pursuant to regulation 18(2), and that referral has not been determined before the relevant date; or
- (b) refers a finding of a Local Medical Committee on or after the relevant date,

that referral shall be determined in accordance with regulation 18 and Schedule 7 as if the amendments to that regulation and Schedule had not taken effect.

(4) Where the Assembly—

- (a) has referred a finding of a Local Medical Committee made before the relevant date pursuant to regulation 18(6), and that referral has not been determined before the relevant date; or
- (b) refers a finding of a Local Medical Committee on or after the relevant date,

that referral shall be determined in accordance with regulation 18 and Schedule 7 as if the amendments to that regulation and Schedule had not taken effect.