

SCHEDULE 2

Terms of Service for Doctors

Fees

43. A doctor shall not, otherwise than under or by virtue of these Regulations, demand or accept a fee or other remuneration for any treatment, including child health surveillance services, contraceptive services, maternity medical services and minor surgery services, whether under these terms of service or not, which he gives to a person for whose treatment he is responsible under paragraph 3, 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 it might take;
- (c) for treatment which is not of a type usually provided by general practitioners and which is given—
 - (i) in accommodation made available for private patients in accordance with Article 31 of the Order⁽¹⁾; or
 - (ii) in a registered nursing home which is not providing services under the Order, if, in either case, the doctor is serving on the staff of a hospital providing services under the Order as a specialist providing treatment of the kind the patient requires and if, within 7 days of giving the treatment, the doctor supplies the Agency, on a form provided by it for the purpose, with such information about the treatment as it may require;
- (d) from a dentist for the administration of an anaesthetic required for the purposes of dental treatment;
- (e) when he treats a patient under paragraph 3(3), in which case he shall be entitled to demand and accept a reasonable fee (recoverable in certain circumstances under paragraph 44) for any treatment given, if he gives the patient a receipt on a form supplied by the Agency;
- (f) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings that the police are minded to bring against that patient;
- (g) for treatment consisting of an immunisation for which no remuneration is payable by the Agency in pursuance of the Statement made under regulation 37 and which is requested in connection with travel abroad;
- (h) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground;
- (i) for prescribing or providing drugs which a patient requires to have in his possession solely in anticipation of the onset of an ailment while he is outside the United Kingdom but for which he is not requiring treatment when the medicine is prescribed;
- (j) for a medical examination, under Article 23(2)(c) of the Road Traffic (Seat Belts) (Northern Ireland) Order 1995⁽²⁾, to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt;

(1) Article 31 was substituted by Article 3(9) of S.I. 1966/2249 (N.I. 24)

(2) S.I. 1995/2994 (N.I. 18)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (k) where the person is not one to whom any of sub-paragraphs (a), (b) or (c) of Article 62(1)(3) of the Order applies (including by reason of Regulations under Article 62(6)(4)), for testing the sight of that person;
- (l) where he is a doctor who is required by a Board under regulation 12 of the Pharmaceutical Regulations to provide drugs, medicines or appliances to a patient and provides for that patient, otherwise than under pharmaceutical services, any Scheduled drug;
- (m) pursuant to an arrangement with him for the provision of services in accordance with regulation 20 of the Health and Personal Social Services (Fund-holding Practices) Regulations (Northern Ireland) 1993(5);
- (n) for prescribing or providing drugs for malaria chemoprophylaxis;
- (o) from a partner or assistant in respect of the provision of an anaesthetic to a patient of the partner or assistant.

(3) Article 62(1) was amended by Article 3 of S.I. 1984/1158 (N.I. 8) and Article 8(1) of S.I. 1988/2249 (N.I. 24)

(4) Paragraph (6) of Article 62 was inserted by Article 8(2) of S.I. 1988/2249 (N.I. 24)

(5) S.R. 1993 No. 142 as amended by S.R. 1996 No. 131 and S.R. 1997 No. 184