

(4) In paragraph 18 of Part I of the First Schedule the words "and for whom treatment has been provided" shall be inserted after the word "quarter" where it first occurs and also after the word "institution"; the words "for whom treatment has been provided" shall be inserted after the words "temporary residents" where they first occur.

(5) The following scale shall be substituted for the scale of mileage units in paragraph 25 of Part I of the First Schedule :—

Exceeding 2 miles but not exceeding 3 miles	—	1 unit
"    3    "    "    "	"	4    "    — 2 units
"    4    "    "    "	"	5    "    — 4    "
"    5    "    "    "	"	6    "    — 6    "
"    6    "    "    "	"	7    "    — 7    "
"    7    "    "    "	"	8    "    — 8    "
"    8    "    "    "	"	9    "    — 9    "
"    9    "    "    "	"	—10    "

(6) In paragraph 33 of Part I of the First Schedule there shall be inserted after the word "units" the words "or, having regard to the circumstances of his practice, with such lesser number of units".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-third day of December, one thousand, nine hundred and fifty in the presence of

(L.S.)

*Ronald Green,*  
Assistant Secretary.

The consent of the Ministry of Finance is hereby given in accordance with Section 10 (4) of the Health Services Act (Northern Ireland), 1948.

Given under the Official Seal of the Ministry of Finance for Northern Ireland this twenty-third day of December, one thousand nine hundred and fifty.

(L.S.)

*W. D. Scott,*  
Secretary.

### Medical Practices Compensation

REGULATIONS, DATED 27TH NOVEMBER, 1950, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1950. No. 208

The Ministry of Health and Local Government for Northern Ireland (hereinafter referred to as "the Ministry") in exercise of the powers

conferred on it by Sections 8 and 80 of the Health Services Act (Northern Ireland), 1948, hereby makes the following Regulations; that is to say :—

1.—(1) These Regulations may be cited as the Health Services (Medical Practices Compensation) Regulations (Northern Ireland), 1950.

(2) The Interpretation Act, 1921, shall apply for the purpose of the interpretation of these Regulations in like manner as it applies for the interpretation of an Act of the Parliament of Northern Ireland.

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :—

“ accounting year ” in relation to a medical practice means a period of twelve months for which the accounts of the practitioner or practitioners engaged in that practice are ordinarily made up for income tax purposes ;

“ the Act ” means the Health Services Act (Northern Ireland), 1948 ;

“ the appointed day ” means the fifth day of July, 1948 ;

“ the Board ” means the Northern Ireland General Health Services Board ;

“ the medical list ” means the list prepared by the Northern Ireland General Health Services Board of medical practitioners undertaking to provide general medical services ;

“ practitioner ” means a registered medical practitioner ;

“ recognised professional organisation ” means such organisation as may be recognised by the Minister as representing the medical profession.

(2) For the purposes of these Regulations reference to the goodwill of a medical practice shall, in relation to a practitioner practising in partnership, be construed as referring to his share of the goodwill of the partnership practice unless the context otherwise requires.

#### *Claims for Compensation*

3.—(1) A practitioner engaged immediately before the appointed day as a principal in general medical practice in Northern Ireland whose name was entered on the appointed day on the medical list and who claims to be entitled to compensation under Section 8 of the Act in respect of any loss suffered by him by reason that he is, or will be, unable to sell the goodwill, or any part of the goodwill of his medical practice by virtue of Section 7 of the Act shall make a claim to the Ministry in the form set out in the Schedule to these Regulations or in a form to

the like effect. If any such practitioner dies without having submitted a claim for compensation the application shall be made by the personal representative of that practitioner.

(2) Where a practitioner or the personal representative of a practitioner has obtained a certificate from the Board certifying that the conditions of Section 9 of the Act have been satisfied in relation to that practitioner and to his practice, a claim may be made by that practitioner or his personal representative as the case may be in the manner provided in the last foregoing paragraph of this Regulation.

(3) The form of application shall be duly completed by the applicant and delivered or sent by post to the Ministry on or before the 28th February, 1951 : Provided that, where the Ministry is satisfied that by reason of unavoidable delay in the appointment of the personal representative of a deceased practitioner or in obtaining a certificate from the Board under Section 9 of the Act or for any other reason it is not or has not been practicable to submit an application by the date aforesaid the Ministry may allow such further period, not exceeding six calendar months, for the submission of the claim as appears to it to be reasonable.

#### *Determination of loss*

4. Except as hereinafter provided in these Regulations, every practitioner engaged immediately before the appointed day as a principal in general medical practice in Northern Ireland whose name was entered on the appointed day on the medical list, and every practitioner in respect of whom and of whose practice a claim for compensation can be made in accordance with paragraph (2) of Regulation 3 hereof shall be deemed to have suffered loss in respect of which title to compensation under Section 8 of the Act arises.

#### *Extent of loss*

5. The extent of the loss of a practitioner by whom or by whose personal representative a claim for compensation has been made, shall be determined in accordance with the following provisions of these Regulations.

#### *Annual loss*

6.—(1) There shall be ascertained in the manner hereinafter provided the annual value of the goodwill of the practice of each practitioner to whom Regulation 4 refers who has claimed compensation or in respect of whom and of whose practice a claim for compensation has been made. Such annual value is hereinafter referred to as "the annual loss".

(2) For the purpose of these Regulations, and subject to the provisions of the next succeeding paragraph, the expression "annual loss" means :—

- (a) In respect of a practice (not being a partnership practice) in which the practitioner was engaged on the appointed day, the average gross yearly receipts of that practice calculated on the basis of the gross receipts of the practice for the last two accounting years immediately preceding the appointed day accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax.
- (b) In respect of a practice (not being a partnership practice) to which Section 9 of the Act refers, the average gross yearly receipts of that practice calculated on the basis of the gross receipts of the practice for the last two accounting years immediately preceding the date of the retirement from practice or death of the practitioner accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax.
- (c) In respect of a partnership practice in which the practitioner was engaged on the appointed day, such proportion of the average gross yearly receipts of that practice, calculated on the basis of the gross receipts of the practice for the two accounting years immediately preceding the appointed day accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax, as the share of the goodwill of the partnership practice held by the practitioner on the appointed day bears to the whole goodwill of the partnership practice.
- (d) In respect of a share in a partnership practice to which Section 9 of the Act refers, such proportion of the average gross yearly receipts of the practice calculated on the basis of the gross receipts of the practice for the two accounting years immediately preceding the date of the retirement from practice or death of the practitioner, accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax, as the share of the goodwill of the partnership practice held by the practitioner on the date of death or retirement bears to the whole goodwill of the partnership practice.
- (e) In respect of any practice to which any of the preceding subparagraphs refers, and in connection with which it is claimed by the practitioner or his personal representative that, by reason of the practitioner's absence from his practice, due to service in His Majesty's Forces, or in the Civil Defence Forces, the two accounting years mentioned therein are not appropriate for the calculation of the annual loss, such sum as shall be determined by the Ministry after taking account of such absence and after consultation with the recognised professional organisation.

(3) (a) Where the period from the date on which a practice was begun or acquired, or on which a share in a partnership was acquired, to the 5th July, 1948 did not cover two complete accounting years, or where the period of two accounting years referred to in sub-paragraphs (a) and (b) of paragraph (2) of this Regulation included a period during which the practice formed part of a partnership, the annual loss means such sum as shall be determined by the Ministry after consultation with the recognised professional organisation.

(b) In any case in which it would not, in the opinion of the Ministry, be equitable to apply the foregoing provisions of this Regulation, the annual loss means such sum as shall be determined by the Ministry after consultation with the recognised professional organisation.

(4) For the purpose of these Regulations the expression "additional annual loss" means the amount by which the annual loss determined in any case in accordance with sub-paragraph (e) of paragraph (2) or sub-paragraph (b) of paragraph (3) of this Regulation exceeds the annual loss which would have been determined in that case but for the provisions of the aforesaid sub-paragraphs and the expression "aggregate additional annual loss" shall be construed accordingly.

(5) A practitioner or the personal representative of a practitioner submitting a claim for compensation under these Regulations shall submit with his claim a certificate in such form as may be agreed between the Ministry and the Commissioners of Inland Revenue signed by the Inspector of Taxes to whom income tax returns in respect of that practice have been submitted.

(6) In calculating the average gross yearly receipts or in determining the annual loss of a practice for the purposes of paragraphs (2) and (3) of this Regulation no account shall be taken of:—

(a) fees or remuneration received for or in respect of the holding of any appointment or,

(b) any other fees or remuneration,

which would not normally be taken into account in assessing the value of the goodwill of a general medical practice for the purposes of the sale thereof:

Provided that in the case of a practitioner holding office immediately before the appointed day as a dispensary medical officer under the Poor Relief Acts (Northern Ireland), 1838 to 1937, the annual salary of that office shall be taken into account unless he has claimed or intends to claim compensation for loss of the office aforesaid under any enactment other than the Act.

#### *Avoidance of duplicate payments*

7. These Regulations shall not be construed as conferring on any practitioner any title to compensation in respect of the goodwill or

any part of the goodwill of a practice in respect of which a claim is made under paragraph (2) of Regulation 3 and which he has acquired otherwise than by purchase during the period between the passing of the Act and the appointed day and accordingly any receipts of such a practice shall be excluded in calculating the annual loss of such practitioner by whichever practitioner they have been earned.

For the purposes of this Regulation "practice" means, in the case of a partnership "share in a practice".

#### *Decisions on Claims*

8. The Ministry, after considering each claim for compensation, shall notify the claimant or his personal representative of the annual loss as determined for the purpose of calculating compensation under these Regulations.

#### *Arbitration*

9.—(1) A claimant or his personal representative who as a result of exceptional circumstances connected with the claim is aggrieved by any decision of the Ministry under the last preceding Regulation may, within fourteen days of the date of the notice given under that Regulation, apply to have the annual loss determined by arbitration :

Provided that where the Ministry is satisfied that, owing to circumstances beyond the control of the claimant or his personal representative, it is not, or has not been, practicable for the application to be made within the period aforesaid, it may be made within such longer period, not exceeding three calendar months, as the Ministry may determine.

(2) Any such application shall be sent to the Ministry who shall thereupon refer the matter to arbitration in accordance with Section 79 of the Act unless it is agreed by the Ministry and the recognised professional organisation that the dispute has not arisen as the result of exceptional circumstances connected with the claim.

(3) The arbitrator to whom any claim is referred under these Regulations in determining the annual loss shall have regard to the provisions of sub-paragraph (e) of paragraph (2) of Regulation 6 and of sub-paragraph (b) of paragraph (3) of Regulation 6 and shall in determining the annual loss, determine whether any portion of the annual loss so determined, and if so what portion, shall be deemed to be "additional annual loss" within the meaning of paragraph (4) of Regulation 6.

#### *Additional compensation in certain cases*

10. For the purpose of awarding in consequence of the provisions of sub-paragraph (e) of paragraph (2) of Regulation 6 or of sub-paragraph (b) of paragraph (3) of Regulation 6 additional compensation, that is

to say, compensation additional to that which would have been payable but for the aforesaid provisions the Ministry shall, subject to the provisions of sub-section (2) of Section 8 of the Act and with the approval of the Ministry of Finance make available such aggregate sum as it thinks fit after consultation with the recognised professional organisation.

*Calculation of amount of compensation*

11.—(1) The amount of compensation payable to a practitioner (or his personal representative) who has suffered loss by reason of the matters referred to in Regulation 3 shall be calculated —

- (a) In any case where the annual loss is determined in accordance with the provisions of sub-paragraphs (a), (b), (c) or (d) of paragraph (2) of Regulation 6 or sub-paragraph (a) of paragraph (3) of Regulation 6 by applying to the annual loss so determined such multiplier as the Ministry, after consultation with the Ministry of Finance and with the recognised professional organisation, may determine. Any part of the resulting sum which is less than twenty shillings shall be disregarded.
- (b) In any case in which the annual loss is determined in accordance with sub-paragraph (e) of paragraph (2) of Regulation 6, or with sub-paragraph (b) of paragraph (3) of Regulation 6, by applying to that part of such loss which would have been determined as the annual loss but for the provisions of the sub-paragraphs aforesaid the multiplier determined as provided in sub-paragraph (a) of this paragraph, and by adding to the amount so determined an amount which bears the same proportion to the sum made available by the Ministry in accordance with the provisions of Regulation 10 as the additional annual loss bears to the aggregate additional annual loss. Any part of the resulting sum which is less than twenty shillings shall be disregarded.

(2) A practitioner or the personal representative of a practitioner to whom compensation is payable under this Regulation shall be notified by the Ministry of the amount of compensation in his case, calculated in accordance with the provisions of this Regulation.

*Payment of Compensation*

12.—(1) Subject as hereinafter provided, the compensation payable to a practitioner or the estate of a practitioner under the last preceding Regulation shall be paid to the practitioner or his personal representative —

- (a) in the case of a practitioner to whom and to whose practice Section 9 of the Act applies, as soon as may be after the amount of compensation so payable has been ascertained ;

(b) in any other case, on the retirement from practice or death of the practitioner concerned, whichever shall first occur: Provided that if the amount of compensation payable has not then been ascertained payment shall be made as soon as may be after the amount due has been ascertained.

- (2) (a) A practitioner or the personal representative of a practitioner to whom and to whose practice Section 9 of the Act applies may, on the ground of hardship suffered or likely to be suffered by that practitioner or the person or persons entitled to his estate, at any time after these Regulations come into operation submit to the Ministry a request for an advance payment on account of compensation in respect of which a claim has been made by that practitioner or his personal representative.
- (b) Where a practitioner whose name was entered on the appointed day on the medical list retires from his practice or dies without having received payment of compensation to which he is entitled, the practitioner or his personal representative may, notwithstanding that the compensation payable in respect of the goodwill of the practice of the practitioner has not been ascertained, submit to the Ministry on the ground of hardship suffered or likely to be suffered by him or the person or persons entitled to his estate a request for an advance payment on account of compensation in respect of which a claim has been made by the practitioner or his personal representative.
- (c) In any case not falling within sub-paragraphs (a) or (b) of this paragraph a practitioner who claims to suffer hardship by reason of the non-payment before the date of his retirement from practice or death of compensation to which he is entitled, may at any time submit to the Ministry a request for immediate payment of the whole or any specified part of the compensation to which he is entitled, or, if the amount of compensation payable to him has not been ascertained, for an advance payment on account thereof.
- (d) Any such request shall specify the grounds on which it is made and shall be supported by such written evidence as the practitioner or the personal representative of the practitioner considers necessary to justify the request.
- (e) The Ministry shall forthwith on receiving any such request consider the request, and if it is satisfied, after making such investigations as appear to it to be necessary, that the request or some part thereof should be met, shall pay, on such terms as it thinks fit, to the practitioner or the personal representative of the practitioner such sum as the Ministry considers to be fair and reasonable having regard to the evidence before it.



(3) For the purpose of paragraphs (1) (b) and (2) (b) and (c) of this Regulation retirement from practice means retirement from practice as a medical practitioner providing general medical services under Part II of the Act.

*Interest on amount of compensation*

13.—(1) Subject as hereinafter provided there shall be paid out of moneys provided by Parliament interest at the rate of two and three quarters per cent. per annum, less income tax at the standard rate, on the compensation payable to a practitioner or his personal representative under these Regulations, in respect of any period from the appointed day until the time when the compensation is paid.

(2) Payments in respect of interest due under these Regulations shall be in respect of the period from the appointed day to the date of first payment thereof ; thereafter interest shall be payable at half-yearly intervals.

(3) Where any payment or advance payment of compensation is made there shall be paid also such interest on the amount thereof as is then due in accordance with these Regulations and has not previously been paid and interest on the amount of compensation so paid shall thereupon cease to be payable.

(4) Where for any reason the amount of compensation in any case has not been determined so as to enable interest to be calculated and paid in accordance with this Regulation, the Ministry may make a provisional payment to the claimant or his personal representative on account of such interest.

*Compensation Consultative Committee*

14. For the purposes of consultations with the recognised professional organization, as provided for in these Regulations, the Ministry may appoint a Committee (to be known as the Compensation Consultative Committee) composed of medical practitioners, not exceeding three in number, nominated by the recognised professional organization and such officers of the Ministry, not exceeding three in number, as the Ministry may appoint from time to time.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-seventh day of November, One thousand nine hundred and fifty in the presence of

(L.S.)

*J. E. Pittaway,*  
Assistant Secretary.

SCHEDULE

HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.  
CLAIM FOR COMPENSATION UNDER SECTION 8 OF THE ACT.

PART A.

I,.....of.....  
(Insert full name and address)

a registered medical practitioner included in the Medical Register in that name and having the following qualifications, viz.,..... being a practitioner \* (engaged, immediately before 5th July, 1948, as a principal in general medical practice in Northern Ireland and whose name was entered on the 5th July, 1948, on the medical list of the Northern Ireland General Health Services Board) (to whom and to whose practice Section 9 of the Act applies) hereby claim compensation under Section 8 of the Act by reason that I am or will be unable to sell the goodwill or any part of the goodwill of my practice by virtue of Section 7 of the Act.

PART B.

I (we).....of.....  
and.....of.....  
(Insert full names, addresses and occupations of personal representatives)

the personal representative(s) of..... and \* (who was engaged immediately before 5th July, 1948, as a principal in general medical practice in Northern Ireland and whose name was entered on the 5th July, 1948, on the medical list of the Northern Ireland General Health Services Board) (to whose practice Section 9 of the Act applies) hereby claim compensation in respect of loss suffered by the persons entitled to the estate of the said..... by reason that it is unlawful to sell the goodwill or any part of the goodwill of the practice of the said..... by virtue of Section 7 of the Act.

PART C.

I (we) certify that the particulars given in this claim and on any attached statement are correct and that the statement of gross receipts does not include :-

- (a) fees or remuneration received for or in respect of the holding of any appointment,† or
- (b) any other fees or remuneration,

which would not normally be taken into account in assessing the value of a general medical practice for the purposes of the sale thereof.

I (we) further declare that I (we) have not received and will not receive in respect of the practice or share of a practice to which this claim relates any financial benefit other than as provided under the Act.

Signed.....

Date.....

NOTES.

1. Where the claim is made by the medical practitioner himself Parts A and C should be completed.
2. Where the claim is made by the personal representative(s) of a deceased practitioner Parts B and C should be completed.
3. Where a practitioner or his personal representative thinks that :-

\* Delete bracketed words which do not apply.

† A practitioner who, immediately before the 5th July, 1948, held the office of dispensary medical officer under the Poor Relief Acts (Northern Ireland) 1838 to 1937 should include in the gross receipts, his salary in respect of that office unless he has claimed or intends to claim compensation for loss of that office under any enactment other than the Health Services Act (Northern Ireland), 1948.

- (a) there are substantial grounds for an advance payment of compensation (e.g. where a doctor has died and the amount of compensation payable to his widow cannot be exactly determined for some time) or that
- (b) the average receipts for the two accounting years immediately preceding the 5th July, 1948, are not appropriate for the calculation of compensation in his particular case (e.g. in the case of an ex-service doctor whose practice had deteriorated during his absence and where on account of this the receipts for the first of the two years were substantially less than those for the second year)

he should attach a brief note of the nature of the case. Further details will be required in substantiation of his claim at a later date.

PARTICULARS TO BE FURNISHED BY THE CLAIMANT.

*Note* :— In the following questions, (a) the practitioner means the medical practitioner claiming compensation, or the deceased medical practitioner whose personal representatives claim compensation, (b) accounting year means the period of twelve months for which the accounts of the practitioner are ordinarily made up for income tax purposes.

1. Was the practitioner on 5th July, 1948, (or, at the date of his death or retirement from practice before the 5th July, 1948) engaged in medical practice alone or was he in partnership with other medical practitioners?

2. If the practitioner was at the 5th July, 1948 (or at death or retirement if earlier) in practice alone (i.e., not in partnership with any other medical practitioner)

- (a) state (i) the average gross yearly receipts of that practice calculated on the basis of the gross receipts for the two accounting years immediately preceding the 5th July, 1948, (or death or retirement if earlier) accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax (ii) the period covered by the two accounting years. Attach Certificate from Commissioners of Inland Revenue ;
- (b) if the practitioner had not been in that practice continuously as a single-handed practitioner for two complete accounting years immediately preceding the 5th July, 1948, (or death or retirement, if earlier) state—
  - (i) the date when he acquired the goodwill of his practice ;
  - (ii) the purchase price of the goodwill ;
  - (iii) the average gross yearly receipts on which the purchase price paid for the goodwill was calculated ;
  - (iv) if he acquired the goodwill of his practice otherwise than by purchase, the name and address of the person(s), if any, from whom the goodwill was acquired and the circumstances in which it was acquired ;
  - (v) the gross receipts of the practice in respect of the period from the date on which the goodwill was acquired to the 5th July, 1948, (or to the date of retirement or death if earlier) ;
  - (vi) the period (if any) during which he was in partnership with another practitioner (give full details).

3. If the practitioner at the 5th July, 1948, (or at death or retirement if earlier) was in practice in partnership with any other medical practitioner or practitioners ;

- (a) state the practitioner's share in the goodwill of the partnership practice ;
- (b) state (i) the average gross yearly receipts of the partnership practice calculated on the basis of the gross receipts for the two accounting years immediately preceding the 5th July, 1948, (or death or retirement if earlier) accepted by the Commissioners of Inland Revenue for the purposes of assessment to income tax (ii) the period covered by the two accounting years. Attach Certificate from Commissioners of Inland Revenue.
- (c) if the partnership as constituted on the 5th July, 1948, (or the date of the practitioner's retirement or death if earlier) had not then been in existence for two complete accounting years, state ;
  - (i) the date on which the partnership was constituted ;
  - (ii) the purchase price of his share of the goodwill ;
  - (iii) the average gross yearly receipts on which the purchase price of his share of the goodwill was calculated ;
  - (iv) if he acquired his share of the goodwill of the practice otherwise than by purchase, the name and address of the person(s), if any, from whom the goodwill was acquired and the circumstances in which it was acquired ; and
  - (v) the amount of his share of the gross receipts of the practice in respect of the period from the date on which his share of the goodwill was acquired, or on which he started to practise, to the 5th July, 1948, (or to the date of death or retirement if earlier) ;
- (d) give on a separate statement :
  - (i) the full names and addresses of the partners (indicating separately those whose names were entered on the medical list on the 5th July, 1948).
  - (ii) full particulars of any agreement in force immediately before the 5th July, 1948, whereby the practitioner was under any obligation or had any option to buy or sell the goodwill or any part of the goodwill of the partnership practice.

It is requested that a copy of the partnership agreement should accompany this form.

#### NOTES.

1. In the case of a partnership it will be convenient if all partners who have suffered loss submit their claims for compensation together. If this is done only one copy of the partnership agreement need be submitted for all partners.

2. Any receipts of a practice excluded from this claim in order to comply with the certificate in Part C should be detailed in a separate statement. Details should also be given of any receipts included in the claim as to the inclusion of which there may be doubt from this standpoint.

3. All information supplied in connection with this claim will be treated as strictly confidential.