

(22) The following sub-paragraph shall be substituted for sub-paragraph (4) of paragraph 8 of Part I of the Third Schedule to the Regulations:—

“(4) Payment shall be made for drugs and prescribed appliances mentioned in the Drug Tariff at the prices specified therein and for drugs or prescribed appliances not mentioned in the Tariff in the manner set forth therein, subject, however, in either case to any adjustment, as may be required, of the sums payable to chemists consequent upon the prescribed charges collected or due to be collected from persons to whom drugs or appliances have been supplied. The payment to be made for containers and in respect of the hire of oxygen equipment and dispensing fees shall be calculated in the manner set forth in the Tariff.”

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this sixteenth day of March, 1955, in the presence of

(L.S.)

John A. Oliver,
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this sixteenth day of March, 1955, in the presence of

(L.S.)

D. C. B. Holden,
Assistant Secretary.

Services Committee

REGULATIONS, DATED 27TH SEPTEMBER, 1955, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

1955. No. 157

[C]

The Ministry of Health and Local Government, in exercise of the powers conferred on it by Sections 5, 6, 11, 12, 22 and 80 of the Health Services Act (Northern Ireland), 1948, and of all other powers enabling it in that behalf, hereby makes the following Regulations:—

1.—(1) These Regulations may be cited as the Health Services (Services Committee) (Amendment) Regulations (Northern Ireland), 1955, and shall come into operation on the first day of October, 1955.

(2) The Health Services (Services Committee) Regulations (Northern Ireland), 1948(a) and these Regulations may be cited together as the Health Services (Services Committee) Regulations (Northern Ireland), 1948 to 1955.

2. For Regulations 2 to 11 inclusive of the Health Services (Services Committee) Regulations (Northern Ireland), 1948(a) there shall be substituted the following Regulations:—

(a) S.R. & O. (Northern Ireland), 1948, No. 164.

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

- "the Act" means the Health Services Act (Northern Ireland), 1948;
- "Board" means the Northern Ireland General Health Services Board;
- "dental officer" means a dental officer appointed by the Board;
- "dispensing optician" means a person, firm or company qualified as a dispensing optician in accordance with the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948(a)
- "drugs" includes in the case of persons receiving general medical services medicines and any prescribed chemical reagents and in the case of persons receiving general dental services means any prescribed drug;
- "Drug Tariff" means the statement prepared by the Ministry under Regulation 28 of the General Service Regulations as hereinafter defined specifying the prices and standards of drugs and appliances to be provided under those Regulations;
- "General Dental Regulations" means the Health Services (General Dental Services) Regulations (Northern Ireland), 1948(b);
- "General Service Regulations" means the Health Services (General Medical and Pharmaceutical Services) Regulations (Northern Ireland), 1948(c);
- "health centre" means premises provided by the Board in accordance with the provisions of Section 17 of the Act;
- "Local Medical Committee", "Local Dental Committee" and "Local Pharmaceutical Committee" mean the committees recognised by the Board under Section 5 of the Act;
- "medical adviser" means a registered medical practitioner in the full-time employment of the Board;
- "ophthalmic medical practitioner" means a medical practitioner having the qualifications prescribed by the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948(d);
- "ophthalmic optician" means a person, firm or company qualified as an ophthalmic optician in accordance with the Health Services (Supplementary Eye Services) (Qualifications) Regulations (Northern Ireland), 1948(d);
- "optician" means an ophthalmic optician or a dispensing optician;

(a) S.R. & O. (Northern Ireland), 1948, No. 122.

(b) S.R. & O. (Northern Ireland), 1948, No. 157.

(c) S.R. & O. (Northern Ireland), No. 147.

(d) S.R. & O. (Northern Ireland), 1948, No. 122.

“practitioner” means a registered medical practitioner, an ophthalmic medical practitioner or a registered dental practitioner;

“treatment” in relation to general medical services has the same meaning as in the General Service Regulations and in relation to general dental services has the same meaning as in the General Dental Regulations;

“the terms of service” means the terms of service for medical practitioners contained in Part I of the First Schedule to the General Service Regulations, the terms of service for chemists contained in Part I of the Third Schedule to the General Service Regulations, the terms of service for dental practitioners contained in the First Schedule to the General Dental Regulations, or the terms of service for ophthalmic medical practitioners, ophthalmic opticians and dispensing opticians contained in the First Schedule to the Health Services (Supplementary Eye Services) Regulations (Northern Ireland), 1948(a), as the case may be;

“the Tribunal” means the Tribunal constituted under Section 16 of the Act.

(2) In these Regulations the expression “chemist” means a person, firm, or body corporate entitled to carry on the business of a pharmaceutical chemist under the Pharmacy and Poisons Acts (Northern Ireland), 1925 and 1945 who provides pharmaceutical services. The Regulations shall also apply (except so far as the context may otherwise require) to any other person, firm or body corporate whose name is included in the pharmaceutical list for the purpose of supplying appliances only.

3.—(1) For the purposes of these Regulations the Board shall draw up the following panels of persons:—

- (i) a panel of medical practitioners nominated by the Local Medical Committees;
- (ii) a panel of dental practitioners nominated by the Local Dental Committees;
- (iii) a panel of chemists nominated by the Local Pharmaceutical Committee;
- (iv) a panel of opticians nominated by such organisation or organisations as may be recognised by the Board as representative of opticians; and
- (v) a panel of lay persons appointed by the Board, being neither members of the Board nor officers of the Ministry.

(2) Any complaint made by a person against a practitioner, chemist or optician shall be investigated by a committee (hereinafter referred to as the “Services Committee”). The Services Committee shall also perform such other duties as are imposed on it by these Regulations.

(3) The chairman and deputy chairman of the Services Committee shall be appointed by the Board from their lay members.

(4) The members of the Services Committee shall be appointed by the Board and shall consist of two members drawn from the panel of lay persons, and

- (a) where the complaint is made against a medical practitioner or an ophthalmic medical practitioner, two members drawn from the panel of medical practitioners;
- (b) where the complaint is made against a dental practitioner, two members drawn from the panel of dental practitioners;
- (c) where the complaint is made against a chemist, two members drawn from the panel of chemists; and
- (d) where the complaint is made against an optician, two members drawn from the panel of opticians.

Provided that the members of the Services Committee shall so far as is practicable be drawn from the area in which the practitioner, chemist or optician resides or is practising.

(5) If in the opinion of the Services Committee any matter referred to that Committee involves a question relating to a practitioner, chemist or optician whose profession is not represented on the Committee as constituted, the Committee shall inform the Board who shall proceed to reconstitute the Committee by adding two additional members drawn from the panel of representatives of the profession to which the practitioner, chemist or optician who appears to be involved, belongs.

(6) If in the opinion of the chairman any member of a committee is interested, or is partner, principal, assistant or manager to a practitioner, chemist or optician who is interested, in a question referred to them, or if the practitioner, chemist or optician objects to any member on any personal or other reasonable ground specified by him, that member shall take no part in the hearing thereof but a person having the same qualifications shall act in his place.

(7) Where a case has been opened before the Committee and the meeting is adjourned for the purpose of hearing further evidence or of preparing or considering the report, a member of the Committee who was not present at the meeting shall not be entitled to be present or take part in the proceedings at the adjourned meeting, and it shall not be necessary for the secretary to send him notice of such meeting.

(8) The deputy chairman if the chairman is absent shall exercise and perform the powers and duties of the chairman, and shall otherwise be entitled to be present at, and take part in, the proceedings of the Committee, but not to vote.

(9) The term of office of the chairman and deputy chairman shall be fixed by the Board.

4.—(1) (a) The person desiring to make a complaint under these Regulations against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician shall, within six weeks after the event which gave rise to the complaint, give written notice to the Board stating the substance of the matter which it is desired to have investigated.

(b) The person desiring to make a complaint under these Regulations against a dental practitioner shall, within six months after completion of the treatment or within six weeks after the matter which gave rise to the complaint came to the complainant's notice, whichever is the sooner, give written notice to the Board stating the substance of the matter which it is desired to have investigated.

(c) Notwithstanding failure to give notice within the periods specified in the two preceding subparagraphs, the Services Committee may investigate the matter if they are satisfied that such failure was occasioned by illness or other reasonable cause and—

(i) in the case of a complaint against a medical practitioner, an ophthalmic medical practitioner, a chemist or an optician the complaint is made within two months after the said event, or

(ii) in the case of a complaint against a dental practitioner the complaint is made within six months after the completion of the treatment or within two months after the matter came to the complainant's notice, whichever is the sooner, or

(iii) the practitioner, chemist or optician as the case may be consents to the investigation taking place notwithstanding the failure to give notice in time, or

(iv) the Board's consent to the investigation has been obtained.

(2) The Services Committee shall investigate any matters (other than any question arising under Regulations 14, 15 or 16 of these Regulations) referred to them by the Ministry, the Board, or any committee of the Board duly authorised in that behalf by the Board, relating to the administration of general medical services, general dental services, pharmaceutical services or supplementary eyes services, whether or not any such matter has been raised on complaint under the foregoing provisions of this Regulation.

(3) The Services Committee shall perform such duties in connection with the testing of drugs and appliances as may be imposed on them by the scheme made for that purpose under Regulation 26 of the General Service Regulations.

5.—(1) The Services Committee shall permit a party to an investigation to be assisted in the presentation of his case by some other person.

(2) The proceedings at the hearing before the Committee shall be private and no person shall be admitted to these proceedings except:—

- (a) the parties to the investigation and the persons, if any, permitted to appear for the purpose of assisting them;
- (b) the secretary or other officer of the Local Medical, Pharmaceutical or Dental Committee or a committee recognised by the Board as representing opticians, whichever is concerned;
- (c) persons whose attendance is required for the purpose of giving evidence and who shall, unless the Committee otherwise direct, be excluded from the hearing except when they are actually giving evidence; and
- (d) such officers of the Ministry or the Board as they may appoint for the purpose.

(3) The First Schedule to these Regulations shall apply with respect to the investigation of complaints, and to the procedure of the Committee.

(4) The Committee where it proceeds to a hearing shall draw up a report stating such relevant facts as appear to them to be established by the evidence placed before them and the inferences which in their opinion may properly be drawn from the facts, together with a recommendation as to the action, if any, which should be taken and shall present the report to the Board and the Board shall accept as conclusive any finding of fact contained in the report. In presenting such report to the Board the Committee may, if they think fit, draw the attention of the Board,

- (a) to any previous reports made by the Committee; and
- (b) where supplementary eye services are involved to any previous reports made by a committee of the Northern Ireland Hospitals Authority prior to 1st October, 1955

in connection with the practitioner, chemist or optician. The Committee may also draw the attention of the Board to any action taken by the Board, the Northern Ireland Hospitals Authority or the Ministry on such reports and may recommend that account should be taken thereof by the Board in reaching their decision.

6. The Board shall furnish the Ministry with a copy of the report of the Services Committee and a statement of the Board's decision thereon, which may include action in any one or more of the following ways:—

- (a) The Board may recover from the practitioner, chemist or optician as the case may be, by deduction from his remuneration or otherwise, any expenses (other than expenses incurred in connection with an investigation by the Services Committee) which have been reasonably and necessarily incurred by any person, or by another person on behalf of that person, owing to the failure of the practitioner, chemist or optician to comply with the terms of service, and any sum so recovered shall be paid to that person:

Provided that in the case of a dental practitioner, the maximum amount which may be deducted shall not exceed the cost of the treatment provided by another dental practitioner to the person concerned, calculated in accordance with Regulations made under the Act.

- (b) If the Board are satisfied that a practitioner, chemist or optician has failed or neglected to comply with the terms of service applicable to him the Board may recover such amount as they think fit either by deduction from the remuneration of the practitioner, chemist or optician or otherwise, and such sum shall be a debt owing by the practitioner, chemist or optician to the Board.
- (c) If the Board are of the opinion that the continued inclusion of the medical practitioner on the medical list, of the chemist on the pharmaceutical list, of the dental practitioner on the dental list or of the ophthalmic medical practitioner or optician on the ophthalmic list would be prejudicial to the efficiency of the services in question, they may make representation to that effect to the Tribunal.
- (d) In the case of a dental practitioner the Board may until further notice require the practitioner, in respect of any treatment other than an examination or emergency treatment, to submit for prior approval to the Northern Ireland Dental Estimates Committee estimates in respect thereof.

7.—(1) The Board shall furnish the parties to an investigation with a copy of the Services Committee's report and of their decision and shall inform them of their right of appeal to the Ministry against any decision other than a decision to take action under paragraph (c) of the last preceding Regulation and of the Ministry's power on such an appeal to award costs.

(2) Subject to the next following Regulation any party aggrieved by such decision shall be entitled to appeal to the Ministry by sending to the Ministry notice of appeal within one month from the date on which the notification of the decision was received.

(3) The notice of appeal shall contain a concise statement of the grounds of appeal.

(4) The Board shall not make any deduction from the remuneration of a practitioner, chemist or optician under paragraph (b) of the last preceding Regulation pending the expiration of the period within which the practitioner, chemist or optician may give notice of appeal to the Ministry.

(5) The Ministry may, on the application of any person desiring to appeal, extend the time for giving notice of appeal and may do so although the application is not made until after the expiration of one month from the date on which notice of the Board's decision was received.

(6) An application for the extension of the time for giving notice of appeal must be made in writing to the Ministry, stating the grounds for the application.

8. No appeal shall lie against a decision of the Board to make representations to the Tribunal with regard to the continued inclusion in any list of the name of any practitioner, chemist or optician and if the Board decide to make such representations and an appeal to the Ministry is made against their decision on other matters, the Ministry shall treat as conclusive for the purpose of the appeal any relevant findings of the Tribunal and no such appeal shall be heard by the Ministry until the proceedings before the Tribunal shall have been concluded.

9.—(1) If the Ministry, after considering the notice of appeal and any further particulars furnished by the appellant, is of opinion that the said notice and particulars disclose no reasonable grounds of appeal it may dismiss the appeal.

(2) The Ministry shall, unless it dismisses the appeal on the aforementioned ground, send a copy of the notice of appeal, and of any further particulars furnished by the appellant, to the Board and to the person or persons, if any, who were parties to the proceedings before the Services Committee or who appear to the Ministry to be interested in the appeal.

(3) The Ministry may, if it is of opinion that the case is of such nature that it can properly be determined without an oral hearing and with the consent of all parties to the appeal, dispense with an oral hearing and determine the appeal.

(4) In the event of an oral hearing the appellant, the Board or any person who has received notice of appeal may appear and take part in the proceedings.

(5) For the purpose of an oral hearing the Ministry shall appoint an officer or officers of the Ministry or some other person or persons, not exceeding three in number, to hold an inquiry and to draw up a report. The Ministry, after taking such report into consideration, shall give its decision in writing, with reasons therefor, which shall be final and conclusive;

Provided that—

- (a) Where one of the parties to an appeal is a medical practitioner and the decision of the Board involves a finding that the practitioner has been guilty of any breach of the terms of service referred to in paragraph (6) of this Regulation the persons appointed to hear the appeal shall include a medical practitioner appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the medical profession.
 - (b) Where one of the parties to an appeal is a dental practitioner and the decision of the Board involves a finding that the dental practitioner has failed to complete satisfactorily dental treatment, or has failed to exercise reasonable care and skill, the persons appointed to hear the appeal shall include a dental practitioner appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the dental profession.
 - (c) Where one of the parties to an appeal is a chemist and the decision of the Board involves a finding that the chemist has failed to comply with the provisions of the Regulations governing pharmaceutical services, the persons appointed to hear the appeal shall include a chemist appointed by the Ministry after consultation with such organisation as may be recognised by the Minister as representative of the pharmaceutical profession.
 - (d) Where one of the parties to an appeal is an ophthalmic medical practitioner and the decision of the Board involves a finding that he has failed to comply with the provisions of the Regulations governing supplementary eye services, the persons appointed to hear the appeal shall include, unless such inclusion appears to the Ministry to be impracticable, an ophthalmic medical practitioner appointed by the Ministry after consultation with such organisation or organisations as may be recognised by the Minister as representative of ophthalmic medical practitioners.
 - (e) Where one of the parties to an appeal is an optician and the decision of the Board involves a finding that he has failed to comply with the provisions of the Regulations governing supplementary eye services, the persons appointed to hear the appeal shall include an optician appointed by the Ministry after consultation with such organisation or organisations as may be recognised by the Minister as representative of opticians.
- (6) Breaches of the terms of service by a medical practitioner to which the last preceding paragraph of this Regulation relates are failure to render to a patient all proper

and necessary treatment, failure to visit or treat a patient whose condition so requires, failure to order or supply any necessary drugs or appliances for the use of a patient or failure to discharge the obligations imposed on a medical practitioner to give a patient the requisite assistance to enable him to obtain any treatment which is not within the scope of the practitioner's obligations under the terms of service.

(7) (a) A party to an appeal when an oral hearing takes place shall be entitled to appear and be heard in person, or by counsel or solicitor, or by any officer or member of any organisation of which he is a member, or by any member of his family, or by any friend.

(b) The Board or any other body being a party to an appeal shall be entitled to appear by a member or by their secretary or other officer duly appointed for the purpose or by counsel or solicitor.

(8) A party to an appeal shall not, except with the consent of the Ministry or, in the case of an oral hearing, of the person or persons before whom the hearing takes place, be entitled to rely upon any facts which do not appear to the Ministry or to the person or persons holding the inquiry to have been adduced before the Committee in the course of the proceedings in respect of which the appeal is brought:

Provided that this paragraph shall not apply in the case of a hearing if at least seven days before the hearing notice is given in writing to the Ministry or to the person or persons holding the inquiry of any new facts upon which the party intends to rely.

(9) The Board may, with the consent of the Ministry, make such contribution as they think fit and if directed by the Ministry shall make such contribution as it may determine towards the cost of the appeal incurred by the complainant or by the practitioner, chemist or optician.

10. The provisions as to inquiries contained in the Seventh Schedule to the Act shall *mutatis mutandis* apply to any inquiry held by a person or persons appointed by the Ministry under the last foregoing Regulation.

11.—(1) If the Board are satisfied after considering any report of the Tribunal and in particular any facts which the Tribunal have found to be established, that a practitioner, chemist or optician has failed or neglected to comply with the terms of service applicable to him, they may proceed to take action as provided in Regulation 6 as if the report of the Tribunal were a report from the Services Committee, and the provisions of paragraph (1) of Regulation 7 shall apply as if the report of the Tribunal were therein substituted for the Services Committee's report.

(2) Where the Board decide to recover, in accordance with these Regulations, an amount from a practitioner, chemist or optician or where on appeal they are so directed by the Ministry or by the persons appointed to hear and determine the appeal, they may recover the amount either by deduction from the remuneration of the practitioner, chemist or optician or otherwise and such sum shall be a debt owing by the practitioner, chemist or optician to the Board:

Provided that the Board shall notify the practitioner, chemist or optician concerned that he may within one month of the date of such notification, make representations to the Ministry as to his circumstances or other matters with a view to having such amount reduced.

(3) The Board shall not make any deduction from the remuneration of a practitioner, chemist or optician under this Regulation pending the expiration of the period within which the practitioner, chemist or optician may make representations to the Ministry.

(4) If a practitioner, chemist or optician decides to make oral representations to the Ministry, the Ministry shall appoint a person or persons to hear the case. The Board, or the Local Medical, Pharmaceutical or Dental Committee or a committee recognised by the Board as representing opticians, as may be appropriate, shall be entitled to be represented at such hearing and to take part in the proceedings.

(5) The persons appointed to hear the oral representations of a practitioner, chemist or optician under this Regulation shall include a practitioner, chemist or optician appointed for the purpose by the Ministry after consultation with such organisation or organisations as may be recognised by the Minister as representative of medical practitioners, ophthalmic medical practitioners, dental practitioners, chemists or opticians, as the case may be.

(6) After consideration of the report of the persons appointed to hear the oral representations of a practitioner, chemist or optician the Ministry shall direct the Board to recover the amount referred to in paragraph (2) of this Regulation or such lesser amount as it may think fit."

3. In the First Schedule to the Health Services (Services Committee) Regulations (Northern Ireland), 1948(a) there shall be added after the word "chemist" wherever it appears in paragraph (b) the words "or optician" and after the word "Committee" in paragraph (c) there shall be added the words "or a committee recognised by the Board as representing opticians".

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twenty-seventh day of September, 1955, in the presence of

(L.S.)

Dehra Parker,

Minister of Health and Local Government.

(a) S.R. & O. (Northern Ireland), 1948, No. 164.

HOUSING

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p. 298
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Grants in respect of private houses and houses for letting

ORDER*, DATED 31ST MAY, 1955, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT, WITH THE APPROVAL OF THE MINISTRY OF FINANCE, UNDER SECTION FIFTEEN OF THE HOUSING (NO. 2) ACT (NORTHERN IRELAND), 1946.

1955. No. 105.

[C]

The Ministry of Health and Local Government for Northern Ireland (in this Order referred to as "the Ministry"), with the approval of the Ministry of Finance for Northern Ireland, in exercise of the powers conferred on the Ministry by section fifteen of the Housing (No. 2) Act (Northern Ireland), 1946, (in this Order referred to as "the No. 2 Act of 1946") and of every other power it thereunto enabling, hereby makes the following Order:—

Contributions payable to persons in respect of houses for letting

1. The contributions payable by a local authority in respect of housing accommodation provided for workers in accordance with the provisions of sub-section (1) of section one of the Housing and Local Government (Miscellaneous Provisions) Act (Northern Ireland), 1946, (in this Order referred to as "the Act of 1946") and the sums payable by the Ministry under sub-section (2) of section one of the Act of 1946 to the local authority in respect of those contributions shall, in relation to each new house completed not later than the thirtieth day of June, nineteen hundred and fifty-six, and falling within any one of the three categories mentioned in the first column of the First Schedule to this Order, consist respectively of a single payment of the amount specified opposite such category in the second and third columns of the said Schedule.

Grants payable to persons in respect of houses for owner-occupation

2. The grant payable by a local authority under sub-section (1) of section six of the No. 2 Act of 1946 and the sum payable by the Ministry under sub-section (2) thereof to the local authority in respect of this grant shall, in relation to each new house—

*The above Order was confirmed by Resolutions of the Senate and of the House of Commons on the 21st day of June, 1955.