

SCHEDULE 1

TERMS OF SERVICE FOR DOCTORS

Acceptance of fees

36.—(1) A doctor shall not demand or accept any fee, remuneration or charge, other than payments due to him under these Regulations, or any charge payable in accordance with the National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(1), in respect of any treatment rendered or any drug or appliance supplied, whether under these terms of service or not, to a patient of his or of his partner or assistant, except—

- (a) under paragraph 10 of these terms of service;
- (b) from any statutory body for services rendered for the purpose of that body's statutory functions;
- (c) from any school, employer or body for the medical examination of persons for whose welfare that school, employer or body is responsible, such examination being either a routine medical examination or for the purpose of advising the school, employer or body of any administrative action they might take;
- (d) for treatment not included within the range of service defined in paragraph 11 given—
 - (i) pursuant to the provisions of section 57 of the Act,(2), or
 - (ii) in a registered nursing home which is not providing services under the Act,

if in either case the doctor is serving on the staff of a hospital providing services under the Act as a specialist providing treatment of the kind required by the patient and if within 7 days after the date on which the treatment is given he gives the Board, on a form to be supplied by it for the purpose, such information about the treatment as it may require;

- (e) under section 158 of the Road Traffic Act 1988(3);
- (f) from a dental practitioner in respect of the provision at his request of an anaesthetic for a person for whom the dental practitioner is providing general dental services;
- (g) from a partner or assistant in respect of the provision of an anaesthetic to a patient of the partner or assistant;
- (h) for attending and examining (but not otherwise treating) a patient at his request at a police station;
- (i) for treatment consisting of an immunisation in connection with travel abroad when no fee is payable by the Board under the Statement referred to in regulation 35(1);
- (j) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground;
- (k) for providing a prescription (other than by way of an order under paragraph 30 of these terms of service) for drugs for chemoprophylaxis or for medicine for a patient who intends to take the medicine abroad in circumstances where the medicine is required solely in respect of an ailment that might occur while the patient is abroad and that will then,
 - (i) be occurring for the first time, or
 - (ii) has previously occurred but from which the patient is not suffering at the time of going abroad;

(1) S.I. 1989/326, amended by S.I. 1990/468, 1990/787, 1991/574, 1992/394, 1993/522 and 1994/697.

(2) Section 57 was substituted by the Health and Medicines Act 1988 (c. 49), section 7(11) and amended by the 1990 Act, Schedule 9, paragraph 19(10) and Schedule 10.

(3) 1988 c. 52.

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

- (l) for a medical examination to enable a decision to be made whether or not it is inadvisable on medical grounds for a person to wear a seat belt;
- (m) where the doctor has been required by the Board to supply any drugs and appliances for a patient under regulation 34 and he supplies for that patient in accordance with paragraph 29(2)(c) any scheduled drug;
- (n) where the person is not one to whom any of paragraphs (a), (b) and (c) of section 26(1) of the Act⁽⁴⁾ applies, including any person to whom any of those paragraphs does not apply by virtue of regulations made under section 26(1E) of the Act⁽⁵⁾, for testing the sight of that person;
- (o) pursuant to an arrangement with him for the provision of services in accordance with regulation 18 of the National Health Service (Fund-Holding Practices) (Scotland) Regulations 1993⁽⁶⁾;
- (p) for prescribing or providing drugs for malaria chemoprophylaxis.

(2) 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 fee, remuneration or charge in respect of treatment rendered, or any drug or appliance supplied to the doctor's patients unless the partner, deputy or assistant would have been entitled to payment if the patient had been on his own list.

(3) In this paragraph, the expression "treatment" includes the provision of personal medical services during and following pregnancy and labour in respect of conditions arising therefrom.

(4) Section 26 was amended by the Health and Social Security Act 1984 (c. 48), Schedules 1 and 8 and by the Health and Medicines Act 1988, section 13(4).

(5) Section 26(1E) was inserted by the Health and Medicines Act 1988 (c. 49), section 13(4).

(6) S.I. 1993/488; amended by S.I. 1993/1369.