

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES) REGULATIONS 1992

Schedule 2

Terms of Service for Doctors

Important Note

This copy of the NHS (General Medical Services) Regulations 1992 has been electronically reproduced from a version published March 1999 by the GPC secretariat, which was the 1996 consolidated version additionally incorporating seven further statutory instruments (SI).

Although the document has been checked for errors, it is intended only as a guide for members and constituents of the WMRLMC, and has no official status. For a statement of law, reference must be made to the appropriate statutory instrument.

Fees

38. A doctor shall not, otherwise than under or by virtue of the 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 4, except:
- (a) from any statutory body for services rendered for the purposes 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 they might take;
 - (c) for treatment which is not of a type usually provided by general medical practitioners and which is given:
 - (i) pursuant to the provisions of section 65 of the Act, 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 the patient requires and if, within 7 days of giving the treatment, the doctor supplies the HA on a form provided by it for the purpose, with such information about the treatment as it may require;
 - (d) under section 158 of the Road Traffic Act 1988¹;
 - (e) from a dentist in respect of the provision at his request of an anaesthetic for a person for whom the dentist is providing general dental services;
 - (f) when he treats a patient under paragraph 4(3), in which case he shall be entitled to demand and accept a reasonable fee (recoverable in certain circumstances under paragraph 39) for any treatment given, if he gives the patient a receipt on a form supplied by the -HA;-
 - (g) for attending and examining (but not otherwise treating) a patient at his request at a police station in connection with proceedings which the police are minded to bring against him;

¹ 1988 c.53.

- (h) for treatment consisting of an immunisation for which no remuneration is payable by the HA in pursuance of the Statement made under regulation 34 and which is requested in connection with travel abroad;
 - (i) for circumcising a patient for whom such an operation is requested on religious grounds and is not needed on any medical ground;
 - (j) 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;
 - (k) 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;
 - (l) where the person is not one to whom any of paragraphs (a), (b) or (c) of section 38(1) of the Act² applies (including by reason of regulations under section 38(6) of that Act), for testing the sight of that person.
 - (m) where he is a doctor who is authorised or required by an HA under regulation 20 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.
 - (n) pursuant to an arrangement with him for the provision of services in accordance with regulation 23 of the National Health Service (Fund-holding Practices) Regulations 1993³. [amended by SI 1993 No 540 wef 1/4/93]
 - (o) for prescribing or providing drugs for malaria chemoprophylaxis. [amended by SI 1995 No 80 wef 6/2/95]
39. (1) Where a person from whom a doctor received a fee under paragraph 38(f) applies to the HA for a refund within 14 days of payment of the fee (or such longer period not exceeding a month as the HA may allow if it is satisfied that the failure to apply within 14 days was reasonable) and the -HA. is satisfied that the person was on the doctor's list when the treatment was given, the HA may recover the amount of the fee from the doctor, by deduction from his remuneration or otherwise, and shall pay that amount to the person who paid the fee.
- (2) Where a doctor has supplied any drug or appliance in respect of which, in the case of a person on his list, he would have been entitled to payment, the HA shall credit him with the appropriate amount.
40. Subject to paragraph 38(f), (j) and (o) [amended by SI 1995 No 80 wef 6/2/95] a doctor shall not demand or accept a fee or other remuneration from a patient of his for any prescription for any drug or appliance.
41. A doctor shall not without reasonable excuse demand or accept from the HA any fee or other remuneration to which he is not entitled under the provisions of these Regulations, the Statement published under regulation 34 or the Drug Tariff.
42. A doctor shall take all practicable steps to ensure that any partner, deputy, or assistant of his, whether or not the partner, deputy or assistant is providing general medical services, shall not demand or accept any remuneration for treatment given to the doctor's patients, or for any prescription for any supply of any drug or appliance for the doctor's patients, unless the

² 1977 c.49; section 38 was amended by the Health and Social Security Act 1984 (c.48), section 1(3), by S.I. 1985139, article 7(11), and by the Health and Medicines Act 1988 (c.49), section 13(1).

³ SI 1993/567.

partner, deputy or assistant would have been entitled to charge if the patient had been on his own list.