STATUTORY INSTRUMENTS

1985 No. 213

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Family Practitioner Committees (Membership and Procedure) Regulations 1985

Made - - - - -	18*th February* 1985
Laid before Parliament	28*th February* 1985
Coming into Operation	21*st March* 1985

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred on them by section 16(1) of and paragraph 12 of Schedule 5 to the National Health Service Act 1977(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation, commencement and interpretation

1.— (1) These regulations may be cited as the Family Practitioner Committees (Membership and Procedure) Regulations 1985 and shall come into operation on 21st March 1985.

(2) In these regulations, unless the context otherwise requires—

(a) "the Act" means the National Health Service Act 1977;

"Committee" means a Family Practitioner Committee established by the Secretary of State by order made under section 10(1) of the Act (**b**);

"Dental Estimates Board" means the Board referred to in section 37 of the Act (**c**);

"joint sub-committee" means a joint sub-committee appointed under regulation 8(1);

"member" means a member of a Committee including the chairman of a Committee;

"Part II services" means general medical services, general dental services, general ophthalmic services or pharmaceutical services under the Act; and

(**a**) 1977 c.49; section 16 was amended by the Health Services Act 1980 (c.53), Schedule 1, paragraph 36.
(**b**) Section 10 was substituted by section 5(1) of the Health and Social Security Act 1984 (c.48).
(**c**) *See* regulation 9 of the National Health Service (General Dental Services) Regulations 1973 (S.I. 1973/1468).

"sub-committee" means a sub-committee appointed under regulation 8(1); and

(b) a reference to a numbered regulation is to the regulation bearing that number in these regulations and a reference in a regulation to a numbered paragraph is to the paragraph bearing that number in that regulation.

Term of office

2.— (1) Subject to paragraph (2) and to regulation 3, a member's term of office shall be for such period, not exceeding four years, as the Secretary of State shall specify on appointing him.

(2) The term of office of a member appointed to replace a member whose term of office ceased before the expiry of the period for which he was appointed shall be for the remainder of that period.

Termination of term of office

3.— (1) A member may resign his office at any time following his appointment by giving notice in writing to that effect to the Secretary of State.

(2) The date on which a resignation by notice given pursuant to paragraph (1) shall take effect shall be—

(a) where a date is specified in the notice as being that on which the resignation is to take effect, that date; and

(b) in any other case, the date on which the notice is received by the Secretary of State.

(3) If a member has not attended for six consecutive meetings of the Committee of which he is a member any of those meetings, the chairman of the Committee shall cause the Secretary of State to be so informed, whereupon the Secretary of State shall terminate the term of office of that member unless he is satisfied that the absence was due to reasonable cause.

(4) The Secretary of State may terminate the term of office of a member who—

(a) was originally registered—

(i) in the register of medical practitioners kept under section 2 of the Medical Act 1983(**a**) or in the register of medical practitioners with limited registration kept under that section,

(ii) in the dentists register kept under section 14 of the Dentists Act 1984(**b**), or

(iii) in either of the registers of ophthalmic opticians maintained under section 2*(a)* of the Opticians Act 1958(**c**) or in the register of dispensing opticians maintained under that section,

(**a**) 1983 c.54.
(**b**) 1984 c.24.
(**c**) 1958 c.32; the disciplinary provisions of that Act were amended by Schedule 2 to the Health and Social Security Act 1984.

but then has his name erased from the register or has his registration suspended;

(b) was originally registered in the register of pharmaceutical chemists maintained under section 2(1) of the Pharmacy Act 1954(**a**) but then has his name removed from the register either under section 13(1)*(b)* of that Act or pursuant to a direction under section 8(1)(ii) of that Act;

(c) originally had his name on a list prepared under Part II of the Act but then has his name withdrawn from that list;

(d) originally held a paid appointment or office with a local authority which nominated him for membership of the Committee, but then ceases to hold a paid appointment or office with that authority.

(5) Where a member appointed pursuant to paragraph 6(3)*(f)* or *(g)* of Schedule 5 to the Act originally held another office as either—

(a) councillor (or, in the case of the Common Council of the City of London, mayor, alderman or common councilman) of a local authority which nominated him for membership of the Committee; or

(b) chairman or member of a District Health Authority which nominated him for membership of the Committee,

but then ceases to hold that other office, his term of office as member shall terminate on the expiry of the period of three months beginning with the date on which he ceased to hold that other office.

(6) If the Secretary of State is of the opinion that it is not in the interest of the health service in the locality for which a Committee is established that a member should continue to hold office on that Committee he may terminate his term of office.

(7) The Secretary of State shall terminate such term of office as a person has as member of a Committee—

(a) if that person becomes disqualified for appointment under regulation 5; or

(b) if it comes to the Secretary of State's notice that that person was originally so disqualified.

(8) In paragraphs (4), (5) and (7) "originally" means, in relation to a person's term of office, the date on which he was appointed as a member in respect of that term of office.

Re-appointment

4. Subject to regulation 5 and to the provisions as to nomination and consultation contained in paragraph 6(3) to (6) of Schedule 5 to the Act, a member shall on the expiry or earlier termination of his term of office be eligible for re-appointment.

(**a**) 1954 c.61.

Disqualification for appointment

5.— (1) Subject to regulation 6, a person shall be disqualified for appointment as a member if—

(a) he has within the preceding five years been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and has had passed on him a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;

(b) he has been adjudged bankrupt or has made a composition or arrangement with his creditors;

(c) he has been dismissed, otherwise than by reason of redundancy, from any paid employment with—

(i) a health authority,

(ii) a Committee,

(iii) the Public Health Laboratory Service Board referred to in section 5(4) of the Act,

(iv) the Dental Estimates Board, or

(v) the National Radiological Protection Board established by section 1 of the Radiological Protection Act 1970(**a**);

(d) he has had his name removed, by a direction under section 46 of the Act, from any list prepared under Part II of the Act and has not subsequently had his name included in such a list;

(e) he is a person whose term of office has been terminated pursuant to paragraph (3), (4)*(a)*, *(b)* or *(c)* or (6) of regulation 3;

(f) subject to paragraph (4), he holds any paid appointment or office with a health authority or a Committee; or

(g) he holds any paid appointment or office with the Dental Estimates Board other than membership of that Board.

(2) For the purposes of paragraph (1)*(a)* the date of conviction is the date on which the ordinary period allowed for making an appeal or application with respect to the conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution of it.

(3) For the purposes of paragraph (1)*(c)* a person shall not be treated as having been in paid employment by reason only of his chairmanship of a health authority.

(4) A person shall not be disqualified under paragraph (1)*(f)* by virtue of holding a paid office or appointment where—

(a) he is registered as described in paragraph 6(4) of Schedule 5 to the Act (nurse with qualification in district nursing, midwife or health visitor) and has the experience there described;

(b) the paid appointment or office is the chairmanship of a District Health Authority or a Committee; or

(**a**) 1970 c.46.

(c) he is a person providing Part II services and the paid appointment or office is a part-time appointment or office with a health authority.

Cessation of disqualification

6.— (1) Where a person is disqualified under regulation 5(1)*(b)* by reason of having been adjudged bankrupt:—

(a) if the bankruptcy is annulled on the ground that he ought not to have been adjudged bankrupt or on the ground that his debts have been paid in full, the disqualification shall cease on the date of the annulment;

(b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, the disqualification shall cease on the date of his discharge;

(c) if he is discharged without such a certificate, his disqualification shall cease on the expiry of the period of five years from the date of his discharge;

(d) if a court makes an order under subsection (1) of section 7 of the Insolvency Act 1976(**a**) (automatic discharge of bankrupt) directing that subsection (2) of that section shall have effect in relation to him, or if subsection (4) of that section applies to him, the disqualification shall cease on the date upon which, in accordance with that subsection (2) or that subsection (4), that person is treated as if the court had granted him an absolute order of discharge.

(2) Where a person is disqualified under regulation 5(1)*(b)* by reason of his having made a composition or arrangement with his creditors, the disqualification shall cease—

(a) if he pays his debts in full, on the date on which payment is completed;

(b) in any other case, on the expiry of the period of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

(3) Subject to paragraph (4), where a person is disqualified under regulation 5(1)*(c)* he may, after the expiry of a period of not less than two years from the date of dismissal, apply in writing to the Secretary of State to remove the disqualification and if the Secretary of State so directs, the disqualification shall cease.

(4) Where the Secretary of State refuses an application made by a person to remove a disqualification no further application may be made by that person until the expiry of the period of two years from the date of that application.

(5) Where a person is disqualified under regulation 5(1)*(e)*, the disqualification shall cease on the expiry of the period of two years from the date on which his term of office is terminated or such longer period as the Secretary of State may specify when terminating his term of office, but the Secretary of State may, on application being made to him by that person, reduce the period of disqualification.

(**a**) 1976 c.60.

Vice-chairman

7.— (1) The member appointed as vice-chairman of a Committee under paragraph 6(11) of Schedule 5 to the Act shall hold office as vice-chairman until—

(a) the date on which his term of office as a member ceases on expiry or earlier termination;

(b) the end of the period for which the chairman was appointed during whose chairmanship he is appointed as vice-chairman;

whichever first occurs.

(2) Where the chairman of a Committee at the time of the appointment of a vice-chairman—

(a) is a professional nominee member, the vice-chairman appointed shall not be such a member;

(b) is not a professional nominee member, the vice-chairman appointed shall be such a member.

(3) A vice-chairman duly appointed in accordance with paragraph (2) shall not cease to be vice-chairman by reason only that a chairman's term of office terminates early and a new chairman is appointed who is, or is not, as the case may be, a professional nominee member.

(4) A member appointed as vice-chairman may at any time resign his office as vice-chairman by giving notice in writing to the chairman.

(5) Where the chairman of a Committee has died or has ceased to hold office, or where he is unable to perform his duties as chairman owing to illness, absence from England and Wales or any other cause, the vice-chairman shall act as chairman.

(6) In this regulation "professional nominee member" means a member appointed pursuant to any provision of paragraph 6(3) *(a)* to *(e)* of Schedule 5 to the Act.

Sub-committees

8.— (1) Subject to such directions as may be given by the Secretary of State, a Committee may, and if so directed by the Secretary of State shall, appoint sub-committees of the Committee or, together with one or more other Committees, appoint joint sub-committees, consisting in either case wholly or partly of the members of the Committee or Committees.

(2) Subject to any directions given by the Secretary of State, a Committee may make arrangements for the exercise, on its behalf, of any of its functions by a sub-committee or joint committee.

(3) Where a Committee appoints a sub-committee for the general purposes of the Committee (whether or not it is called the general purposes sub-committee) the chairman of the Committee shall be appointed as chairman of that sub-committee.

Meetings and proceedings

9.— (1) The meetings and proceedings of a Committee shall be conducted in accordance with the rules set out in the Schedule to these regulations and with Standing Orders made under paragraph (2).

(2) Subject to the rules set out in that Schedule, to regulation 10 and to such directions as may be given by the Secretary of State, a Committee shall make, and may vary or revoke, Standing Orders for the regulation of its proceedings and business which may include provision for suspension of the Standing Orders.

Disability of members in proceedings on account of pecuniary interest

10.— (1) Subject to the following provisions of this regulation, if a member has any pecuniary interest, direct or indirect, in any matter and is present at a meeting of the Committee at which that matter is under consideration—

(a) he shall at the meeting and as soon as practicable after its commencement disclose the fact that he has such an interest; and

(b) he shall not take part in the consideration or discussion of that matter or vote on any question with respect to it.

(2) A Committee may, by its Standing Orders, provide for the exclusion of a member from a meeting of the Committee while any matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(3) Subject to paragraphs (4) and (5), a member shall be treated for the purposes of this regulation as having an indirect pecuniary interest in a matter if he is connected with a person—

(a) who has a direct pecuniary interest in that matter; or

(b) where that matter is a contract, with whom the contract is or is proposed to be made;

and for those purposes a member is connected with a person if he is in the employment of, or is a partner of, that person and also if, where that person is a company, he or a nominee of his is a member of that company.

(4) A member shall not be treated as having a pecuniary interest in any matter by reason only—

(a) of his membership of a company if he has no beneficial interest in any securities of that company;

(b) of an interest of his as a person providing Part II services which cannot reasonably be regarded as an interest more substantial than that of others providing such of those services as he provides;

(c) of an interest of his or of any person with whom he is connected which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that matter; or

(d) that a sum may be payable to him under paragraph 9 of Schedule 5 to the Act (pay and allowances).

(5) Where—

(a) a member has an indirect pecuniary interest in a matter by reason only of a beneficial interest in securities of a company;

(b) the total nominal value of those securities does not exceed—

(i) £1,000; or

(ii) one-hundredth of the total value of the issued share capital of the company,

whichever is the lesser sum; and

(c) if the share capital of the company is of more than one class, the total nominal value of shares of any one class in which he has a beneficial interest does not exceed one-hundredth of the total issued share capital of that class,

that member is not prohibited by this regulation by reason of that pecuniary interest from taking part in the consideration or discussion of that matter or from voting on any question with respect to it, but without prejudice to his duty to disclose his interest.

(6) For the purposes of this regulation the interest of one of a married couple living together shall, if known to the other of that couple, be treated as being also an interest of that other.

(7) This regulation applies to a sub-committee and to a joint sub-committee as it applies to a Committee and applies to a member of a sub-committee or joint sub-committee (whether or not he is also a member of a Committee) as it applies to a member of a Committee.

(8) In this regulation "company" includes any other body of persons except a public body; and for this purpose "public body" includes—

(i) any body established for the purpose of carrying on under national ownership any industry, part of an industry or undertaking,

(ii) the governing body of any university, university college or college, school or hall of a university, and

(iii) the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(**a**).

Revocations and saving

11.— (1) Subject to paragraph (2), the following regulations are hereby revoked:—

(a) the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1979(**b**);

(b) the National Health Service (Health Authorities and Family Practitioner Committees: Membership) Regulations 1979(**c**);

(**a**) 1907 c.cxxxvi.
(**b**) S.I. 1979/739.
(**c**) S.I. 1979/897.

(c) the National Health Service (Family Practitioner Committees: Membership and Procedure) Amendment Regulations 1981(**a**).

(2) Subject to regulation 2(2) of the National Health Service (Family Practitioner Committees: Transitional) Regulations 1984(**b**) (which extends members' terms of office), the regulations specified in paragraph (1)*(a)* shall continue to apply to a committee which continues to discharge its functions by virtue of section 5(6) of the Health and Social Security Act 1984 (committees established oi adopted by District Health Authorities).

Signed by authority of the Secretary of State for Social Services.

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

15th February 1985.

Nicholas Edwards,
Secretary of State for Wales.

18th February 1985.

(**a**) S.I. 1981/1577.
(**b**) S.I. 1984/1735.

Regulation 9(1)

SCHEDULE

RULES AS TO MEETINGS AND PROCEEDINGS OF COMMITTEES

1. The first meeting of a Committee shall be held on such day and at such place as may be fixed by the chairman and he shall be responsible for convening the meeting.

2.— (1) The chairman may call a meeting of the Committee at any time.

(2) If a requisition for a meeting, signed by at least one-third of the members is presented to the chairman and the chairman either—

(a) refuses to call a meeting; or

(b) without so refusing, does not within seven days after the requisition has been presented to him call a meeting,

those one-third or more of the members may forthwith call a meeting.

(3) Before each meeting of a Committee, a notice of the meeting which—

(a) specifies the business proposed to be transacted at it; and

(b) is signed by the chairman or by an officer of the Committee authorised by the chairman to sign on his behalf,

shall be delivered to each member, or sent by post to his usual place of residence or business, so as to be available to him at least three clear days before the meeting.

(4) Lack of service of the notice on any member shall not affect the validity of a meeting.

(5) In the case of a meeting called by members in default of the chairman, the notice shall be signed by those members and no business shall be transacted at the meeting other than that specified in the notice.

3.— (1) At any meeting of a Committee the chairman, if present, shall preside.

(2) If the chairman is absent from the meeting the vice-chairman, if present, shall preside.

(3) If the chairman and vice-chairman are absent, such member as the members present shall choose shall preside.

4. Every question at a meeting shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equality of votes, the person presiding shall have a second and casting vote.

5. The names of members present at the meeting shall be recorded.

6. No business shall be transacted at a meeting unless at least one-third of the members are present.

7. The minutes of the proceedings of a meeting shall be drawn up and entered in a book kept for that purpose and shall be signed at the next ensuing meeting by the person presiding at it.

8. In paragraphs 1 and 2 of this Schedule "chairman" includes a vice-chairman acting as chairman pursuant to regulation 7(5).

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These regulations make provision concerning the membership and procedure of Family Practitioner Committees established by the Secretary of State. They include provision for the term of office of members (regulation 2), termination of term of office (regulation 3), eligibility for re-appointment of members (regulation 4), disqualification from membership (regulations 5 and 6), vice-chairmanship (regulation 7), appointment of sub-committees and joint sub-committees (regulation 8) and procedural matters (regulations 9 and 10 and the Schedule), including provision for the disclosure of pecuniary interests and restrictions on the right of a member with such an interest in a matter to take part in the Committee's proceedings relating to that matter.

Regulations concerning the membership and procedure of Family Practitioner Committees established or adopted by District Health Authorities are revoked (regulation 11), but will continue (under regulation 11(2)) to apply to those Committees until the date (to be specified by order made under section 5(5) of the Health and Social Security Act 1984) on which the Committees established by the Secretary of State begin to act for their localities.

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