STATUTORY INSTRUMENTS

1973 No. 2012

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1973

Made - - - -	*29th November* 1973
Laid before Parliament	*7th December* 1973
Coming into Operation	*28th December* 1973

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 upon them by sections 6 and 7(4) of, and paragraphs 6(1) and 12 of Schedule 1 to, the National Health Service Reorganisation Act 1973**(a)** and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1973 and shall come into operation on 28th December 1973.

Interpretation

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

"The Act of 1946" means the National Health Service Act 1946**(b)**;

"The Act of 1973" means the National Health Service Reorganisation Act 1973;

"Administrator" means the officer appointed by an Area Health Authority by which a Family Practitioner Committee is established to act as Administrator to that Committee;

"appointing body" means, as appropriate, an Area Health Authority, a local authority, a Local Medical Committee, a Local Dental Committee, a Local Pharmaceutical Committee, such members of a Local Optical Committee as are ophthalmic opticians and such members of a Local Optical Committee as are dispensing opticians;

"Authority" means an Area Health Authority;

"Committee" means a Family Practitioner Committee;

(a) 1973 c. 32. **(b)** 1946 c. 81.

"health authority" means any one of the following authorities:—

A Regional Health Authority, an Area Health Authority, a special health authority, a Preserved Board, a Regional Hospital Board, a Hospital Management Committee, a Board of Governors of a Teaching Hospital, an Executive Council or a local health authority;

"local authority" in relation to any Committee means a local authority specified, in the Order constituting the Authority by which the Committee was established, as entitled to make appointments to that Authority;

"local representative body" in relation to any Committee means the Local Medical Committee, Local Dental Committee, Local Pharmaceutical Committee, ophthalmic opticians who are members of the Local Optical Committee and dispensing opticians who are members of the Local Optical Committees, in each case for the area of the Authority by which the Committee was established;

"member" means the chairman or other member of a Committee and

"members" shall be construed accordingly;

"the relevant Authority" means the Authority by which the Committee in question was established;

"securities" and "shares" have the same meanings respectively as in the Prevention of Fraud (Investments) Act 1958(a);

and any other expression to which a meaning is assigned by the Act of 1946 has that meaning in these regulations.

(2) In regulation 13 of these regulations "public body" includes any body established for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, the governing body of any university, university college or college, school or hall of a university and the National Trust for Places of Historic Interest or Natural Beauty incorporated by the National Trust Act 1907(b).

(3) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

PART II

MEMBERSHIP

Term of office of members appointed by an Authority or by a local representative body

3.—(1) Subject to the provisions of these regulations the term of office of members appointed by an Authority or by a local representative body shall be four years expiring on 31st March in any year.

(2) Where a Committee is established in England before 1st April 1977 the original members appointed by the relevant Authority or by any local representative body shall be appointed for a period ending on 31st March 1977, and one half of the members appointed by the relevant Authority or by each local representative body whose appointments take effect from 1st April 1977 shall be appointed for a period ending on 31st March 1979 and the remainder of such members shall be appointed for a period ending on 31st March 1981.

(a) 1958 c. 45. (b) 1907 c. cxxxvi. (c) 1889 c. 63.

(3) Where a Committee is established in Wales before 1st April 1974 one half of the original members appointed by the relevant Authority or by each local representative body shall be appointed for a period ending on 31st March 1976 and the remainder of such members shall be appointed for a period ending on 31st March 1978.

(4) Where a Committee is established in Wales after 31st March 1974 and in England after 31st March 1977 one half of the original members appointed by the relevant Authority or by each local representative body shall be appointed for such a period, not exceeding two years, expiring on 31st March in any year as the relevant Authority shall, in the case of such Committee, determine and the remainder of such members shall be appointed for a period two years greater than the period of office of the first half of such original members.

(5) For the purposes of this regulation where, in accordance with paragraph 6 of Schedule 1 to the Act of 1973 or with an Order made under paragraph 7 of that Schedule, an uneven number of members greater than one falls to be appointed by the relevant Authority or a local representative body, one half of such members shall be calculated by reference to the number of those members less one and where only one member is to be appointed by a local representative body the period of office of such member shall in all cases be that prescribed for the remainder of members appointed by local representative bodies.

(6) On making an appointment of any member in accordance with the provisions of this regulation, the appointing body shall give notice in writing to that member and to the Administrator of the period for which such member is appointed.

Term of office of members appointed by local authority

4. Subject to the provisions of these regulations the term of office of members appointed by a local authority or appointed jointly by two or more local authorities shall be for a period terminating on such date or in such event as the appointing body or appointing bodies acting jointly may determine on making the appointment.

Variation of membership of Committees

5.—(1) Where the Secretary of State has by Order provided that paragraph 6 of Schedule 1 to the Act of 1973 should apply with such modifications as are specified in the Order to a Committee established in accordance with that paragraph or where he makes an Order revoking or varying such Order as aforesaid, he may terminate the appointment of any member of the Committee as established before the date of coming into operation of the Order, and the term of office of any original member appointed in accordance with provisions taking effect upon that date shall be for such a period, not exceeding four years, expiring on 31st March in any year as the relevant Authority shall, in each case, determine.

(2) Where, for any reason, a person ceases to be a member before the expiration of the period for which he was appointed, the term of office of any member appointed in his place shall be the remainder of such period, and, if the person ceasing to be a member was appointed by virtue of paragraph 6(2) of Schedule 1 to the Act of 1973, the appointment of any member appointed in his place shall, subject to provisions of the said paragraph 6(2), be made by such local representative body as should have made the preceding appointment.

Eligibility of members for re-appointment

6. Subject to the provisions of regulation 7 of these regulations a member shall, on the expiration of his term of office, be eligible for re-appointment.

Disqualification for membership

7.—(1) A person shall be disqualified for appointment to, or being a member of, a Committee if he—

(*a*) is a person who in the preceding five years has been convicted in the United Kingdom, 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; or

(*b*) is a person who has been adjudged bankrupt or made a composition or arrangement with his creditors; or

(*c*) being a person who has held any paid appointment or office, other than as chairman thereof, with any health authority, has been dismissed from such appointment or office otherwise than by reason of redundancy; or

(*d*) being a person whose name has been included in any list prepared under Part IV of the Act of 1946, has had his name removed from the list under the provisions of section 42 of that Act and has not subsequently had his name restored to such list.

(2) For the purposes of paragraph (1)(*a*) of this regulation the ordinary date on which the 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 thereof, shall be deemed to be the date of conviction.

(3) When a person is disqualified under paragraph (1)(*b*) of this regulation by reason of his having been adjudged bankrupt, then—

(*a*) if the bankruptcy is annulled on the grounds that he ought not to have been adjudged bankrupt or on the grounds 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 was discharged without such a certificate his disqualification shall cease on the expiration of five years from the date of his discharge.

(4) Where a person is disqualified under the said paragraph (1)(*b*) by reason of his having made a composition or arrangement with his creditors and he pays his debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Termination of membership

8.—(1) Any member may resign at any time during the period for which he was appointed on giving notice in writing to the Administrator and his resignation shall take effect upon the receipt of the notice by the Administrator who shall forthwith send a copy of such notice to the appointing body by which such member had been appointed.

(2) If a member has not attended a meeting of the Committee to which he belongs or of a sub-committee or joint committee thereof for a period of six months, the Administrator shall inform the Committee which, after consultation with any appointing body by which that member was appointed, shall, unless satisfied that the absence was due to illness or other reasonable cause, declare that his place on the Committee has become vacant and that person shall forthwith cease to be a member.

(3) A member being either—

(*a*) a person who, holding any paid appointment or office with any health authority, resigns from such appointment or office, or

(*b*) a person, whose name being included in any list prepared under Part IV of the Act of 1946, has his name withdrawn from such list on his own application,

shall, if the Secretary of State so directs, cease to be a member.

(4) If an appointing body is of the opinion that it is not in the interest of the national health service that a person whom it has appointed as a member should continue to be a member, such appointing body may terminate the appointment of that member who shall, on such termination, forthwith cease to be a member.

PART III

CONSTITUTION AND PROCEEDINGS

Election of chairman and vice-chairman

9.—(1) The members shall elect one of their number to be chairman for such period as the Committee may determine on making the election, not being a longer period than four years or, where the remainder of the period of his membership of the Committee during which he is elected has less than four years to run, not being longer than the remainder of such period, and such election shall take place at a meeting of the Committee specially summoned for such purpose at which those members present shall choose one of their number to preside.

(2) The members shall elect one of their number, other than the chairman, to be vice-chairman for such period as the Committee may determine on making the election, not being a longer period than four years or, where the remainder of the period of his membership of the Committee during which he is elected has less than four years to run, not being longer than the remainder of such period.

(3) Any member elected to be chairman or vice-chairman may at any time resign from such office by giving notice in writing to the Administrator, and the members shall thereupon elect another of their number as chairman or vice-chairman in accordance with the provisions of this regulation.

Appointment of committees and joint committees

10. Subject to any directions given by the Secretary of State, a Committee may and if directed as aforesaid shall, appoint committees of the Committee, which shall be known as, and are in these regulations referred to as, sub-committees or, together with one or more other health authorities, appoint joint committees, consisting in either case wholly or partly of persons who are members of the Committee or health authorities.

Arrangements for the exercise of functions

11. Subject to any directions by the Secretary of State, a Committee may make arrangements for the exercise, on their behalf, of any of their functions by a sub-committee or joint committee appointed by virtue of regulation 10 of these regulations or by an officer of the relevant Authority; in each case subject to such restrictions and conditions as the Committee may, with the agreement of the relevant Authority if they concern an officer of that Authority, think fit, or as the Secretary of State may direct.

Meetings and proceedings

12.—(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 the next following paragraph of this regulation.

(2) Subject to the aforesaid rules, to regulation 13 of these regulations 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 their proceedings and business, including provision for the time and place of each meeting of the Committee and for the suspension of all or part of such Standing Orders.

(3) Subject to such directions as may be given by the Secretary of State, a Committee may, on its own in the case of a sub-committee of the Committee or jointly with any other health authorities concerned in the case of a joint committee, make, vary and revoke Standing Orders respecting the quorum, proceedings and place of meeting of such sub-committee or joint committee, but subject to any such Standing Orders the quorum, proceedings and place of meeting shall, subject to such directions as aforesaid, be such as the sub-committee or joint comittee may determine.

Disability of members in proceedings on account of pecuniary interests

13.—(1) Subject to the provisions of this regulation, if a member has any pecuniary interest, direct or indirect, in any contract, proposed contract or other matter and is present at a meeting of the Committee at which the contract or other matter is the subject of consideration, he shall at the meeting and as soon as practicable after its commencement disclose the fact and shall not take part in the consideration or discussion of the contract or other matter, or vote on any question with respect to it.

(2) A Committee may by Standing Orders, made by virtue of regulation 12 of these regulations, provide for the exclusion of a member from a meeting of the Committee while any contract, proposed contact, or other matter in which he has a pecuniary interest, direct or indirect, is under consideration.

(3) For the purposes of this regulation any arrangement made in pursuance of Part IV of the Act of 1946 for the provision of general medical services, general dental services, general ophthalmic services or pharmaceutical services shall be deemed not to be a contract, proposed contract or other matter and any allowances payable to a member by virtue of paragraph 9 of Schedule 1 to the Act of 1973 shall not be treated as a pecuniary interest.

(4) For the purposes of this regulation a member shall be treated, subject to the next following paragraph, as having indirectly a pecuniary interest in a contract, proposed contract, or other matter, if—

(*a*) he or a nominee of his is a member of a company or other body, not being a public body, with which the contract was made or is proposed to be made or which has a pecuniary interest in the other matter under consideration; or

(*b*) he is a partner, or is in the employment of a person with whom the contract was made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration;

and in the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this regulation to be also an interest of the other.

(5) A member shall not be treated as having a pecuniary interest in any contract, proposed contract or other matter by reason only—

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

(*b*) of an interest of his, or any company, body or person with which he is connected as mentioned in paragraph (4) of this regulation, which is so remote or insignificant that it cannot be regarded as likely to influence a member in the consideration or discussion of, or in voting on, any question with respect to that contract or matter.

(6) Where a member has an indirect pecuniary interest in a contract, proposed contract or other matter by reason only of a beneficial interest in securities of a company or other body, and the total nominal value of those securities does not exceed £1,000 or one-hundredth of the total nominal value of the issued share capital of the company or body, whichever is the less, and, if the share capital 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, this regulation shall not prohibit him from taking part in the consideration or discussion of the contract or other matter or from voting on any question with respect to it, without prejudice, however, to his duty to disclose his interest.

(7) The Secretary of State may, subject to such conditions as he may think fit to impose, remove any disability imposed by this regulation, or by Standing Orders made by virtue of regulation 12 of these regulations, in any case in which it appears to be in the interests of the national health service that the disability should be removed.

Provision as to committees or sub-committees authorised by other provisions

14. Nothing in this part of these regulations shall apply to any committee or sub-committee which a Committee is authorised or required to appoint by any enactment, Order or regulations other than these regulations except in so far as any provision hereof is specifically applied to such committee or sub-committee by such enactment, Order or regulations.

Keith Joseph,
Secretary of State for Social Services.

29th November 1973.

Peter Thomas,
Secretary of State for Wales.

29th November 1973.

Regulation 12(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 relevant Authority which shall be responsible for convening the meeting after such consultation with members as the Authority thinks fit.

2. A meeting of the Committee shall take place at least once in every three months.

3. Before each meeting of the Committee a notice of the meeting which, subject to any exceptions which may have been determined by the Committee, shall specify the business proposed to be transacted thereat, and which shall be signed by the Administrator or by an officer of the relevant Authority authorised by the Administrator to sign on his behalf, shall be delivered to every member, or sent by post to the usual place of residence of such member, so as to be available to such member at least three clear days before the meeting:

Provided that want of service of such notice on any member shall not affect the validity of a meeting.

4.—(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 one of their number as the members present shall choose shall preside.

5. Every question at a meeting shall be determined by a majority of the votes of 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.

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

7. No business shall be transacted at a meeting unless at least one-third of the whole number of members is present.

8. 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 same or the next ensuing meeting by the person presiding thereat.

EXPLANATORY NOTE

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

These Regulations provide for the appointment and term of office of members of Family Practitioner Committees and for the procedure of such bodies.

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