STATUTORY INSTRUMENTS

1978 No. 331

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Prescription Pricing Authority Constitution Order 1978

Made - - - -	*6th March* 1978
Laid before Parliament	*10th March* 1978
Coming into Operation	*1st April* 1978

The Secretary of State for Social Services, in exercise of powers conferred on him by section 11 of the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Prescription Pricing Authority Constitution Order 1978 and shall come into operation on 1st April 1978.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

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

"Authority" means the Prescription Pricing Authority;

"Committee" means a Family Practitioner Committee;

"doctor" means a registered medical practitioner providing general medical services;

"member" means the chairman or another member of the Authority and "members" shall be construed accordingly;

"pharmacist" means a registered pharmacist providing pharmaceutical services;

and any other expression to which a meaning is assigned by the National Health Service Act 1977 has that meaning in this Order.

(2) Unless the context otherwise requires, any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order, and any reference in an Article to a numbered paragraph is a reference to the paragraph bearing that number in that Article.

(a) 1977 c. 49.

(3) Any reference in this Order to any provision made by or contained in any enactment or instrument shall, except in so far as the context otherwise requires, be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which may re-enact or replace it, with or without modification.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of this Order as they apply for the purposes of the interpretation of an Act of Parliament, and in relation to any revocation effected by this Order shall have effect as if this Order and the Orders revoked were Acts of Parliament and as if each revocation were a repeal.

Continuation of Prescription Pricing Authority

3. Notwithstanding the revocation by this Order of the Prescription Pricing Authority (Establishment and Constitution) Order 1974(b), as amended(c), there shall continue to be established the special health authority known as the Prescription Pricing Authority, established by that Order.

Functions of the Authority

4.—(1) The Authority shall perform such functions as the Secretary of State may direct it to perform on his behalf or on behalf of Committees established in England.

(2) Without prejudice to the generality of paragraph (1) the said functions shall include functions on behalf of such Committees relating to the examining, checking and pricing of prescriptions for drugs, listed drugs, medicines and listed appliances supplied as part of pharmaceutical services.

Constitution of the Authority

5. The Authority shall, subject to the provisions of the Schedule to this Order, consist of sixteen members of whom—

(*a*) one shall be the chairman;

(*b*) four shall be pharmacists;

(*c*) three shall be doctors of whom one shall be a doctor with whom a Committee has pursuant to the provisions of regulation 30 of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(d), as amended(e), made arrangements for the provision of pharmaceutical services;

(*d*) four shall be persons appointed to represent Committees of whom one shall be an Administrator but none of whom shall be a person who has qualified as a registered medical practitioner or a registered pharmacist;

(*e*) one shall be a person appointed to represent officers of the Authority;

(*f*) one shall be a person appointed to represent Community Health Councils;

(a) 1889 c. 63.
(b) S.I. 1974/9.
(c) S.I. 1977/1102.
(d) S.I. 1974/160.
(e) S.I. 1975/719, 1976/690, 1407.

(*g*) one shall be a person having academic or research experience in matters related to the work of the Authority or other experience in matters within the purview of the Authority;

(*h*) one shall be a person who is an officer of the Department of Health and Social Security.

Revocation of Orders

6. The Prescription Pricing Authority (Establishment and Constitution) Order 1974(**a**) and the Prescription Pricing Authority (Establishment and Constitution) Amendment Order 1977(**b**) are hereby revoked:

Provided that, without prejudice to the generality of the application by Article 2(4) above of the rules of construction contained in the Interpretation Act 1889, such revocation shall not affect any agreement, appeal, application, appointment, arrangement, certificate, condition, decision, delegation of powers, list, notice, requirement, scheme, standing order, statement or tariff given, issued, made or prepared under or by virtue of the Orders so revoked, and any such agreement, appeal, application, appointment, arrangement, certificate, condition, decision, delegation of powers, list, notice, requirement, scheme, standing order, statement or tariff shall so far as it could have been given, issued, made or prepared under or by virtue of this Order, have effect as if it had been so given, issued, made or prepared.

David Ennals,
Secretary of State for Social Services.

6th March 1978.

(**a**) S.I. 1974/9. (**b**) S.I. 1977/1102.

SCHEDULE

Transitional Provisions

Where on the coming into operation of this Order the tenure of office of a member has not expired he may continue to be a member until the expiry of his tenure of office notwithstanding that the number of members is in consequence greater than sixteen, or that he would not apart from this Schedule be eligible for membership.

EXPLANATORY NOTE

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

This Order provides a new Constitution for the Prescription Pricing Authority established by the Prescription Pricing Authority (Establishment and Constitution) Order 1974 as amended. It supersedes that Order with amendments appropriate to the changes in Constitution.

These changes mainly involve a reduction in representation of Family Practitioner Committees, an increase in representation of medical practitioners, and representation of Community Health Councils, academic, research or other expertise, the Department of Health and Social Security and the staff of the Authority.

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