STATUTORY INSTRUMENTS

1978 No. 332

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Prescription Pricing Authority Regulations 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 paragraphs 10 and 12 of Schedule 5 to the National Health Service Act 1977(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Prescription Pricing Authority Regulations 1978 and shall come into operation on 1st April 1978.

Interpretation

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

"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 these regulations.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

(**a**) 1977 c. 49.

(3) Any reference in these regulations 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 these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Appointment of members

3.—(1) The members specified in Article 5 of the Prescription Pricing Authority Constitution Order 1978(**b**) shall, subject to the provisions of the following paragraph, be appointed by the Secretary of State and the Secretary of State, where appointing a member other than the chairman, shall specify the paragraph of that Article by virtue of which the appointment is made.

(2) The Secretary of State shall before appointing—

(*a*) the pharmacists specified by paragraph (*b*) of that Article, consult with such organisation as he may recognise as being representative of pharmacists;

(*b*) the doctors specified in paragraph (*c*) of that Article, consult with such organisation as he may recognise as being representative of doctors;

(*c*) the persons specified in paragraph (*d*) of that Article, consult with such organisation as he may recognise as representing Committees;

(*d*) the person specified in paragraph (*e*) of that Article, consult with such organisation as he may recognise as representing officers of the Authority;

(*e*) the person specified in paragraph (*f*) of that Article, consult with such organisation as he may recognise as representing Community Health Councils.

Tenure of office of members

4. The tenure of office of a person appointed under regulation 3 shall subject to regulation 5, be for such period not exceeding three years expiring on 31st March in any year as the Secretary of State shall specify on making the appointment.

Casual vacancies

5. Where, for any reason, a person ceases to be a member before the expiration of the period for which he was appointed, the tenure of office of any member appointed in his place shall be the remainder of that period.

(**a**) 1889 c. 63. (**b**) S.I. 1978/331.

Election of vice-chairman

6.—(1) The members shall elect one of their number other than the chairman, to be vice-chairman for such period as the Authority may determine on their making the election, not being a longer period than the remainder of the period of his tenure of office.

(2) The Authority shall forthwith inform the Secretary of State of the name and address of the member elected to be vice-chairman.

(3) Any member so elected may at any time resign the office of vice-chairman by giving notice in writing to the Secretary of State, and the members shall thereupon elect another of their number as vice-chairman in accordance with the provisions of paragraph (1).

Officers of the Authority

7.—(1) The Authority shall employ a Secretary.

(2) Where any officer of the Authority has attained the age of 65 years he shall cease to hold office unless the Authority, with the consent of the officer, and also, in the case of the Secretary of the Authority, of the Secretary of State, by resolution extend his period of service in his existing capacity or in some other capacity, for one year or any less period, and so on from time to time:

Provided that when the officer attains the age of 70 years, the Authority shall not so extend his service unless the Secretary of State notifies the Authority that he is satisfied that there are special circumstances which justify such an extension.

(3) No member of the Authority or person who has at any time in the previous twelve months been a member of the Authority shall be appointed to the office of Secretary or any other paid office under the Authority.

Termination of tenure of office

8. Where a member ceases to be eligible for appointment under the paragraph of Article 5 of the Prescription Pricing Authority Constitution Order 1978 by virtue of which he was appointed, the Secretary of State may, notwithstanding that such person may have been and may continue to be eligible for appointment under any other such paragraph, terminate his tenure of office.

Application of regulations

9.—(1) The provisions of regulation 11 (appointment of committees and sub-committees), regulation 13 (meetings and proceedings) and regulation 14 (disability of members in proceedings on account of pecuniary interest) of, and of the Schedule (rules as to meetings and proceedings of Authorities) to, the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973(**a**), as amended(**b**), shall apply

(**a**) S.I. 1973/1286.
(**b**) The amendments do not relate expressly to the subject matter of these regulations.

for the purposes of these regulations as if any reference therein to an Authority included a reference to the Authority, and as if there were omitted any reference therein to a Joint Committee and paragraph 1 of the Schedule to those regulations.

(2) The provision of regulation 5(1), (2), (5), (6), (7) and (8) (termination of tenure of office), regulation 6 (eligibility for reappointment), regulation 8 (disqualification for appointment) and regulation 9 (cessation of disqualification) of the National Health Service (Health Authorities: Membership) Regulations 1977(**a**) shall apply for the purposes of these regulations as if any reference therein to an Authority included a reference to the Authority and as if any reference therein to a member were a reference to a member other than the chairman.

David Ennals,
Secretary of State for Social Services.

6th March 1978.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations provide for the consultations to be carried out by the Secretary of State before making appointments to the Prescription Pricing Authority; for the appointment and tenure of office of members; for the termination of and disqualification for office; and the employment of officers by, and the proceedings of, the Authority.

(**a**) S.I. 1977/1103.

SI 1978/332
ISBN 0-11-083332-5

