STATUTORY INSTRUMENTS

1990 No. 1719

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Prescription Pricing Authority Regulations 1990

Made - - - -	*20th August 1990*
Laid before Parliament	*24th August 1990*
Coming into force	*17th September 1990*

The Secretary of State for Health, in exercise of powers conferred by section 128(1) of, and 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 and after consultation with the body recognised by him as representing persons who, in his opinion, are likely to be affected by these Regulations in accordance with paragraph 11 of Schedule 5 to the National Health Service Act 1977, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Prescription Pricing Authority Regulations 1990 and shall come into force on 17th September 1990, immediately after the Regional and District Health Authorities (Membership and Procedure) Regulations 1990**(b)** come fully into force.

Interpretation

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

"Constitution Order" means the Prescription Pricing Authority Constitution Order 1990**(c)**;

"Family Authority" means a Family Health Services Authority;

"member" means a member of the Pricing Authority;

"Pricing Authority" means the Prescription Pricing Authority constituted under the Constitution Order;

"the Procedure Regulations" means the Regional and District Health Authorities (Membership and Procedure) Regulations 1990.

(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.

Appointment of members

3.—(1) The members of the Pricing Authority mentioned in paragraphs (a) to (e) of article 5 of the Constitution Order shall be appointed by the Secretary of State.

(2) When appointing any member under paragraph (1), the Secretary of State shall specify the paragraph of that article 5 by virtue of which the appointment is made.

(a) 1977 c.49; in section 128(1) *see* the definitions of "prescribed" and "regulations"; paragraph 10 of Schedule 5 was amended by the Health Services Act 1980 (c.53), Schedule 1, paragraph 80, and by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 15(b); paragraphs 10 and 12 were modified by S.I. 1985/39, article 7(22), and were amended by the National Health Service Community Care Act 1990 (c.19), Schedule 1, paragraphs 8 and 9.

(b) S.I. 1990/1331.

(c) S.I. 1990/1718.

Tenure of office of members

4.—(1) The tenure of office of a member appointed under regulation 3(1) shall be, subject to regulation 7, for such period, not exceeding 3 years beginning on the date of his appointment, as the Secretary of State shall specify on appointing him.

(2) The person who is a member by virtue of paragraph (f) of article 5 of the Constitution Order shall, subject to paragraph (3), hold office for so long as he remains the chief officer of the Pricing Authority.

(3) Where, for any period, a person mentioned in paragraph (2) is suspended from his duties as chief officer of the Pricing Authority—

(a) he shall also be suspended for that period from performing his functions as a member, and

(b) any person appointed to act in his place as chief officer shall also be appointed to perform his functions as a member of that Authority for that period.

Appointment of vice-chairman

5.—(1) The members may appoint one of their number, other than the chairman or a member mentioned in paragraph (d) or (f) of article 5 of the Constitution Order, to be vice-chairman for such period as they may determine at the time of the appointment, not being a period longer than the period of that person's tenure of office as a member which remains unexpired at the date when the appointment takes effect.

(2) Where a member is appointed to be vice-chairman under the provisions of paragraph (1), the member so appointed—

(a) shall, where the chairman of the Pricing Authority—

(i) has died or ceased to hold office, or

(ii) is unable to perform his duties by reason of illness, absence from England and Wales or any other cause,

perform the duties of the chairman for so long as there is no chairman to perform those duties;

(b) may at any time resign the office of vice-chairman by giving notice in writing to the chairman, whereupon the members may appoint another of their number as vice-chairman in accordance with the provisions of paragraph (1).

Officers of the Pricing Authority

6.—(1) The Pricing Authority shall appoint a person to act as its chief officer.

(2) No person who is, or has in the previous 12 months been, a member of the Pricing Authority (other than as chief officer by virtue of article 5(f) of the Constitution Order), shall be employed as a paid officer by the Pricing Authority.

(3) Where, for any period, the chief officer of the Pricing Authority is suspended from his duties for any reason, the Pricing Authority shall, for the duration of that period, appoint an officer of that Authority to act, in his place, as its chief officer.

Termination of tenure of office

7. Where a member appointed under regulation 3(1) ceases to be eligible for membership of the Pricing Authority under the paragraph of article 5 of the Constitution Order by virtue of which he was appointed, his tenure of office shall, unless the Secretary of State otherwise directs in his case, terminate forthwith, notwithstanding that he may have been, and may continue to be, eligible for appointment to the Pricing Authority under any other such paragraph.

Appointment of committees

8. Subject to such directions as may be given by the Secretary of State, the Pricing Authority may, and if directed by him shall, appoint committees of the Authority consisting wholly or partly of members of the Prescription Pricing Authority.

Application of regulations

9. The provisions of the Procedure Regulations specified in column (1) of the Schedule to these Regulations shall apply for the purposes of these Regulations—

(a) subject to any modification specified in column (3) of that Schedule in relation to any such provision as may be specified in column (1) of that Schedule;

(b) as if, in the Procedure Regulations—

(i) any reference to a joint committee, and

(ii) paragraph 1 of Schedule 1,

were omitted; and

(c) as if any reference in the Procedure Regulations to an Authority were a reference to the Pricing Authority.

Revocations

10.—(1) The Prescription Pricing Authority Regulations 1978**(a)** are hereby revoked.

(2) In the Procedure Regulations, paragraph 1 of Schedule 3 (amendment of regulation 9 of the Prescription Pricing Authority Regulations 1978) is hereby revoked.

Signed by authority of the Secretary of State for Health

Virginia Bottomley
Minister of State,
Department of Health

20th August 1990.

SCHEDULE

Regulation 9

(1) *Provision of the Procedure Regulations*	(2) *Description*	(3) *Modification*
Regulation 11(1), (2), (3), (4), (5) and (6)	Termination of tenure of Office	As if in paragraph (3); for the words "an appointing authority" and "that appointing authority" there were substituted in each case the words "the Secretary of State"; as if the words "it has" there were substituted the words "he has"; and as if the words "in the region or district of an Authority" and the words from ", subject, if it is" to "the consent of the Secretary of State," were omitted.
Regulation 12	Eligibility for re-appointment	
Regulation 13(1)(a)–(h), (2) and (3)	Disqualification for appointment	
Regulation 14	Cessation of Disqualification	
Regulation 19	Meetings and proceedings	
Regulation 20	Disability on account of pecuniary interest	
Schedule 2	Rules as to meetings and proceedings	As if in paragraph 6 for the words "one-third" there were substituted the words one-half; and as if the words from "(including" to "member who is not)" were omitted

(a) S.I. 1978/332, as amended by S.I. 1983/315.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Prescription Pricing Authority Regulations 1978 to provide for the appointment and tenure of office of the members of the Prescription Pricing Authority ("the Pricing Authority") which is a special health authority established under the National Health Service Act 1977 to exercise functions in relation to the examining, checking and pricing of prescriptions for the supply of pharmaceutical service under the Act. They are made as a consequence of the changed constitution of the Pricing Authority and as a consequence of the National Health Service and Community Care Act 1990.

In particular these Regulations provide: for the appointment and tenure of office of the members of the Pricing Authority (regulations 3 and 4); for the appointment of the chief officer, a member of the Pricing Authority, by the Pricing Authority (regulation 6), his tenure of office (regulation 4); for the election and duties of the vice-chairman (regulation 5); for the termination of, and disqualification from, tenure of office of members (regulation 7 and Schedule); for the appointment of committees (regulation 8); and for the proceedings of the Pricing Authority and any committees it may establish (Schedule).

Regulation 10 revokes the Prescription Pricing Authority Regulations 1978.

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