STATUTORY INSTRUMENTS

1983 No. 312

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Rural Dispensing Committee (Establishment and Constitution) Order 1983

Made - - - -	*3rd March* 1983
Laid before Parliament	*11th March* 1983
Coming into Operation	*1st April* 1983

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 Rural Dispensing Committee (Establishment and Constitution) Order 1983 and shall come into operation on *1st April* 1983.

Interpretation

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

"Committee" means the Rural Dispensing Committee established by this Order;

"doctor" means a medical practitioner;

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

"pharmacist" means a registered pharmacist.

Establishment of the Rural Dispensing Committee

3. There is hereby established a special health authority which shall be known as the Rural Dispensing Committee.

Functions of the Committee

4.—(1) The Committee shall perform such functions as the Secretary of

(a) 1977 c.49.

State may direct it to perform on his behalf or on behalf of Family Practitioner Committees.

(2) Without prejudice to the generality of paragraph (1) of this Article the said functions shall include functions as to—

(a) the determination of applications and questions referred to the Committee for determination under regulation 26A, regulation 26B or regulation 30A of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(**a**);

(b) the determination of appeals and applications relating to the rurality of an area under regulation 30F of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974.

Constitution of the Committee

5. The Committee shall consist of 10 members of whom—

(a) one shall be the chairman who shall not be a doctor, a dental practitioner, a pharmacist or an ophthalmic or dispensing optician who shall be appointed after consultation with such bodies as the Secretary of State may recognise as being representative respectively of doctors and pharmacists;

(b) three shall be doctors who shall be appointed after consultation with such bodies as the Secretary of State may recognise as being representative of doctors;

(c) three shall be pharmacists who shall be appointed after consultation with such bodies as the Secretary of State may recognise as being representative of pharmacists;

(d) three shall be persons none of whom shall be a doctor, a dental practitioner, a pharmacist or an opthalmic or dispensing optician who shall be appointed after consultation with such bodies as appear to the Secretary of State to be representative respectively of councils of non-metropolitan counties, non-metropolitan districts and parishes and any other body which appears to him to be concerned.

Deputies

6.—(1) The Secretary of State shall appoint—

(a) three doctors to be deputies for the three members who are doctors after consultation with such bodies as the Secretary of State may recognise as being representative of doctors;

(b) three pharmacists to be deputies for the three members who are pharmacists after consultation with such bodies as the Secretary of State may recognise as being representative of pharmacists.

(2) Subject to paragraph (4) below, the term of appointment of a deputy appointed in pursuance of this Article shall be such period, not exceeding three years expiring on *1st April* in any year as the Secretary of State may specify on making the appointment.

(**a**) S.I. 1974/160; the relevant amending instrument is S.I. 1983/313.

(3) A deputy appointed in pursuance of this Article may, while a member for whom he is a deputy is absent from any meeting of the Committee, act as a member of the Committee in place of that member.

(4) The term of appointment of a deputy shall cease if his tenure of office is terminated or he becomes disqualified for appointment as a member of the Committee.

(5) Where, for any reason, a person ceases to be a deputy before the expiration of the period for which he was appointed the period of the appointment of any deputy appointed in his place shall be the remainder of that period.

(6) The provisions of regulation 5(1), (6) and (7) (termination of office), regulation 6 (eligibility for re-appointment), regulation 7 (disqualification for appointment) and regulation 8 (cessation of disqualification) and regulation 14 (disability of chairman and members on account of pecuniary interest) of the National Health Service (Regional and District Health Authorities: Membership and Procedure) Regulations 1983(**a**) shall apply to a deputy as if he were a member other than the chairman and as if any reference therein to an Authority included a reference to the Committee and as if any reference therein to the office or the tenure of office of a member were to the appointment or the period of appointment of a deputy.

(7) The provisions of regulation 6 (election of vice-chairman), regulation 7(2) and (3) (termination of tenure of office) and regulation 8 (meetings and proceedings) of the Rural Dispensing Committee Regulations 1983(**b**) shall apply to a deputy as if any reference therein to the office or the tenure of office of a member were to the appointment or the period of appointment of a deputy and as if in regulation 7(3) the reference to Article 5*(b)* or *(c)* of this Order were to sub-paragraph *(a)* or *(b)* of paragraph (1) of this Article.

Norman Fowler,
Secretary of State for Social Services.

3rd March 1983.

(**a**) S.I. 1983/315.
(**b**) S.I. 1983/314.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the establishment and constitution of a special health authority, to be known as the Rural Dispensing Committee, for the purpose of exercising functions on behalf of the Secretary of State and Family Practitioner Committees; functions relating to the determination of applications required to be referred to them under the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 (as amended) in respect of the provision of pharmaceutical services by chemists and doctors in rural areas and the determination of appeals and applications arising out of determinations by Family Practitioner Committees that an area is or is not rural in character. The Order also provides for the constitution of the membership of the Committee and the appointment of deputies of certain members of the Committee.

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