

STATUTORY INSTRUMENTS

1984 No. 1735

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Family Practitioner Committees: Transitional) Regulations 1984

<i>Made</i> - - - -	<i>5th November 1984</i>
<i>Laid before Parliament</i>	<i>8th November 1984</i>
<i>Coming into Operation</i>	<i>29th November 1984</i>

The Secretary of State for Social Services, in exercise of powers conferred upon him by paragraph 12 of Schedule 5 to the National Health Service Act 1977^(a) and section 28 of the Health and Social Security Act 1984^(b) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation, commencement and interpretation

1.— (1) These regulations may be cited as the National Health Service (Family Practitioner Committees: Transitional) Regulations 1984 and shall come into operation on 29th November 1984.

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

“the 1977 Act” means the National Health Service Act 1977;

“the 1984 Act” means the Health and Social Security Act 1984;

“corresponding district” means, in relation to the locality of a new Family Practitioner Committee,—

(a) where the locality falls wholly within, or is the same as, a district, that district,

(b) in any other case, the district containing a greater part of the locality than any other district;

“district” means, in the case of authorities acting together under section 2 of the Health Services Act 1980^(c), the combined districts;

“new Family Practitioner Committee” means a Family Practitioner Committee established or to be established by the Secretary of State by order made under section 10(1) of the 1977 Act as substituted by section 5(1) of the 1984 Act.

(a) 1977 c. 49.
(b) 1984 c. 48.
(c) 1980 c. 53.

Family Practitioner Committees established or adopted by District Health Authorities

2.—(1) The provisions of Part II of Schedule 5 to the 1977 Act shall apply to a Family Practitioner Committee which continues to discharge its functions by virtue of section 5(6) of the 1984 Act as though paragraph 12 of Schedule 3 to the 1984 Act were not in force.

(2) Notwithstanding anything contained in regulations 3 and 4 of the National Health Service (Family Practitioner Committees: Membership and Procedure) Regulations 1979(a), or anything specified on the appointment of a person as chairman or member of a Family Practitioner Committee, the term of office of any chairman or member of such a Committee which would, but for this paragraph, expire before 31st March 1985 shall, subject to regulation 8 of those regulations (termination), expire instead on 31st March 1985.

Nominations before 1st April 1985 for membership of new Family Practitioner Committees

3.—(1) Where a nomination pursuant to Part II of Schedule 5 to the 1977 Act (as substituted by paragraph 12 of Schedule 3 to the 1984 Act) is to be made before 1st April 1985 by a Local Medical Committee for the locality of a new Family Practitioner Committee, but no Local Medical Committee has been recognised for that locality, the nomination may be made by the Local Medical Committee formed for the corresponding district under section 44 of the 1977 Act.

(2) The provisions of paragraph (1) of this regulation shall apply to nominations made or to be made by a Local Dental Committee, Local Optical Committee or Local Pharmaceutical Committee as they apply to nominations made or to be made by a Local Medical Committee.

Annual accounts of District Health Authorities

4. Notwithstanding the repeal of the second paragraph of section 98(2) of the 1977 Act(b) accounts in respect of the financial year ending 31st March 1985 shall be prepared and transmitted as though that paragraph remained in force so far as it relates to the inclusion of annual accounts of Family Practitioner Committees.

Signed by authority of the Secretary of State for Social Services.

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

5th November 1984.

(a) S.I. 1979/739; the relevant amending instrument is S.I. 1981/1577.
(b) See Schedule 8 to the Health and Social Security Act 1984.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision arising out of the replacement of Family Practitioner Committees established or adopted by District Health Authorities ("old Committees") by Committees established by the Secretary of State ("new Committees"). Under section 5 of the Health and Social Security Act 1984 ("the 1984 Act") the new Committees will begin to act no later than 1st April 1985, and, until the new Committees begin to act, the old Committees continue to discharge their functions.

Regulation 2 saves provisions relating to membership of old Committees for so long as those Committees continue to act, and extends the term of office of chairmen and members of such Committees until 31st March 1985.

Regulation 3 concerns the procedure for nominating persons for membership of the new Committees. Under the National Health Service Act 1977 as amended by the 1984 Act, some nominations for membership of a new Committee are made by local representative Committees (for example a Local Medical Committee) formed for the locality of that new Committee and recognised by the Secretary of State. Regulation 3 provides (for the period up to 1st April 1985) that where there is not yet a local representative committee formed and recognised for the locality of a new Committee, nominations may be made by the representative committee formed for the district of the District Health Authority which established or adopted the corresponding old Committee.

Regulation 4 saves, for the accounts for the financial year ending 31st March 1985, a provision requiring accounts prepared and transmitted to the Secretary of State by a District Health Authority to include accounts of the old Committee which it established or adopted.

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