

1990 No. 1718

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

**The Prescription Pricing Authority Constitution Order
1990**

<i>Made</i> - - - -	<i>20th August 1990</i>
<i>Laid before Parliament</i>	<i>24th August 1990</i>
<i>Coming into force</i>	<i>17th September 1990</i>

The Secretary of State for Health, in exercise of powers conferred by section 11 of, and paragraph 9(7)(b) 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 Order:—

Citation and commencement

1. This Order may be cited as the Prescription Pricing Authority Constitution Order 1990 and shall come into force on 17th September 1990.

Interpretation

2. In this Order, unless the context otherwise requires—
“the Act” means the National Health Service Act 1977;
“Family Authority” means a Family Health Services Authority;
“Pricing Authority” means the Prescription Pricing Authority.

Continuation of the Prescription Pricing Authority

3. Notwithstanding the revocation by this Order of the Prescription Pricing Authority Constitution Order 1978(b), there shall continue to be established the special health authority known as the Prescription Pricing Authority, established by the Prescription Pricing Authority (Establishment and Constitution) Order 1974(c).

Functions of the Pricing Authority

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

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

(a) 1977 c.49; section 11 was amended by the Health Services Act 1980 (c.53), Schedule 1, paragraph 31; sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by the National Health Service and Community Care Act 1990 (c.19), Schedule 1, paragraph 7(2).

(b) S.I. 1978/331, as amended by S.I. 1982/288 and 1985/39.

(c) S.I. 1974/9 (now revoked); see articles 3 and 6 of S.I. 1978/331.

Constitution of the Pricing Authority

5. The Pricing Authority shall consist of eight members, of whom, subject to any direction by the Secretary of State under regulation 7 of the Prescription Pricing Authority Regulations 1990(a)–

- (a) one shall be the chairman;
- (b) one shall be a medical practitioner providing general medical services;
- (c) one shall be a registered pharmacist providing pharmaceutical services;
- (d) one shall be the chief officer of a Family Authority;
- (e) three shall be persons who are not and never have been–
 - (i) a medical practitioner,
 - (ii) a dental practitioner,
 - (iii) a registered pharmacist,
 - (iv) a person registered in any of the registers of opticians maintained under the Opticians Act 1989(b), or
 - (v) a person registered in any part of the register maintained by the United Kingdom Central Council for Nursing Midwifery and Health Visiting pursuant to section 10 of the Nurses, Midwives and Health Visitors Act 1979(c);
- (f) one shall be the chief officer for the time being of the Pricing Authority.

Specification of Pricing Authority as a relevant authority

6. The Pricing Authority is hereby specified for the purposes of sub-paragraph (7) of paragraph 9 of Schedule 5 to the Act (definition of “relevant authority” for purposes of paying remuneration to members of health authorities).

Revocation of Order

7. The Prescription Pricing Authority Constitution Order 1978 is hereby revoked.

Signed by authority of the Secretary of State for Health

20th August 1990

Virginia Bottomley
Minister of State,
Department of Health Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Prescription Pricing Authority Constitution Order 1978. The Prescription Pricing Authority, 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 services under that Act, is continued in being, but differently constituted.

The Order also provides in particular for the functions of the Prescription Pricing Authority (article 4), for its new constitution of a chairman and seven other members (article 5) and for it to be specified as a special health authority of which certain of the members may be remunerated as well as the chairman (article 6).

(a) S.I. 1990/1719.

(b) 1989 c.44.

(c) 1979 c.36.

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