



National Health Service Act 1977

1977 CHAPTER 49

PART II

GENERAL MEDICAL, GENERAL DENTAL, GENERAL OPHTHALMIC, AND PHARMACEUTICAL SERVICES

Local representative committees

44 Recognition of local representative committees.

[^{F1}(ZA1) A Primary Care Trust may recognise a committee formed for its area, or for the area of that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in the Primary Care Trust's area;
- (b) those medical practitioners and the deputy medical practitioners for the Primary Care Trust's area;
- (c) the medical practitioners mentioned in—
 - (i) paragraph (a) above; or
 - (ii) paragraph (b) above,

and the section 28C medical practitioners for the Primary Care Trust's area,

and any committee so recognised shall be called the Local Medical Committee for the Primary Care Trust's area.]

[^{F2}(A1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the medical practitioners providing general medical services or general ophthalmic services in that area;
- (b) those medical practitioners and the deputy medical practitioners for that area;
or
- (c) the medical practitioners mentioned in—

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- (i) paragraph (a) above; or
 - (ii) paragraph (b) above,
- and the section 28C medical practitioners for that area,

and any committee so recognised shall be called the Local Medical Committee for the area.

[A Primary Care Trust may recognise a committee formed for its area, or for the area of ^{F3}(A2) that and one or more other Primary Care Trusts, which it is satisfied is representative of—

- (a) the dental practitioners providing general dental services in the Primary Care Trust’s area;
- (b) those dental practitioners and the deputy dental practitioners for the Primary Care Trust’s area;
- (c) the dental practitioners mentioned in—
 - (i) paragraph (a) above; or
 - (ii) paragraph (b) above,
 and the section 28C dental practitioners for the Primary Care Trust’s area,

and any committee so recognised shall be called the Local Dental Committee for the Primary Care Trust’s area.]

(B1) A Health Authority may recognise a committee formed for their area which they are satisfied is representative of—

- (a) the dental practitioners providing general dental services in that area;
- (b) those dental practitioners and the deputy dental practitioners for that area; or
- (c) the dental practitioners mentioned in—
 - (i) paragraph (a) above; or
 - (ii) paragraph (b) above,
 and the section 28C dental practitioners for that area,

and any committee so recognised shall be called the Local Dental Committee for the area.]

[^{F4}(B2) Where a Primary Care Trust is satisfied that a committee formed for its area, or for its area together with the area of one or more other Primary Care Trusts, is representative—

- (a) of the ophthalmic opticians providing general ophthalmic services in the Primary Care Trust’s area; or
- (b) of the persons providing pharmaceutical services from premises in the Primary Care Trust’s area,

the Primary Care Trust may recognise that committee; and any committee so recognised shall be called the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the area of the Primary Care Trust.]

(1) Where [^{F5}a [^{F6}Health Authority are satisfied] that a committee formed for [^{F6}their area] is representative]—

- [^{F7}(a)]
- (b)]
- (c) of the ophthalmic opticians . . . ^{F8} providing general ophthalmic services in that [^{F6}area], or

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- (d) of the persons providing pharmaceutical services [^{F9}from premises]in that [^{F6}area],
- [^{F10}the Family Health Services Authority] may recognise that committee; and any committee so recognised shall be called^{F11} . . . the Local Optical Committee or the Local Pharmaceutical Committee, as the case may be, for the [^{F6}area] concerned.
- (2) Any such committee may ^{F12} . . . delegate any of their functions, with or without restrictions or conditions, to sub-committees composed of members of that committee.
- [^{F13}(3) For the purposes of this section and section 45 below, a person who meets the condition in subsection (4) below—
- (a) is a deputy medical practitioner for the area of a [^{F14}Primary Care Trust or] Health Authority if he is a medical practitioner who assists a medical practitioner providing general medical services in that area in the provision of those services but is not himself on a [^{F15}medical list]];
- [^{F16}(aa) is a section 28C medical practitioner for the area of a Primary Care Trust if he is a medical practitioner who performs personal medical services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]
- (b) is a section 28C medical practitioner for the area of a Health Authority if he is a medical practitioner who provides or performs personal medical services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another);
- (c) is a deputy dental practitioner for the area of a [^{F17}Primary Care Trust or] Health Authority if he is a dental practitioner who assists a dental practitioner providing general dental services in that area in the provision of those services but is not himself on a [^{F18}list of dental practitioners and dental corporations undertaking to provide general dental services];
- [^{F19}(ca) is a section 28C dental practitioner for the area of a Primary Care Trust if he is a dental practitioner who performs personal dental services in the area of the PrimaryCare Trust in accordance with arrangements made under section 28C above;]
- (d) is a section 28C dental practitioner for the area of a Health Authority if he is a dental practitioner who provides or performs personal dental services in accordance with arrangements made under section 28C above by the Health Authority (whether with himself or another).
- (4) The condition referred to in subsection (3) above is that the person concerned has notified the [^{F20}Primary Care Trust or] Health Authority that he wishes to be represented under this section by the appropriate committee for their area (and has not notified them that he wishes to cease to be so represented).
- (5) For the purposes of subsection (3) above—
- (a) a person is to be treated as assisting a medical practitioner or dental practitioner in the provision of services if he is employed by that practitioner for that purpose or if he acts as his deputy in providing those services; [^{F21} . . .
- (b)]

Textual Amendments

F1 S. 44(ZA1) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(2)}, 42(3); S.I. 2002/2478, art. 3(1)(a)

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- F2** S. 44(A1)(B1) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purpose and otherwise prosp.) by 1999 c. 8, **ss. 11(2)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**
- F3** S. 44(A2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(3)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F4** S. 44(B2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(4)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F5** Words commencing “a Family Health” to “locality is representative” substituted (1.10.1991) for words commencing “the Secretary of State” to “is representative” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(a)**; S.I. 1990/2511, **art. 3**
- F6** Words in s. 44(1) substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, ss. 2(1)(3), 8(1), **Sch. 1 Pt. 1 para. 32(a)** (with Sch. 2 paras. 6, 16)
- F7** S. 44(1)(a)(b) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, **ss. 11(3)**; S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.** and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(c)(d), **Sch.**
- F8** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), s. 24, **Sch. 8 Pt. 1**
- F9** Words in s. 44(1)(d) inserted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 43(6), 70(2) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(6)**; S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1
- F10** Words commencing “the Family Health” substituted (1.10.1991) for the word “he” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 12(4)(b)**; S.I. 1991/2511, **art. 3**
- F11** Words in s. 44(1) omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes) by virtue of 1999 c. 8, ss. 11(3); S.I. 1999/2342, art. 2(1), Sch. 1; S.I. 2000/1026, art. 2(1), Sch. and repealed (1.4.2000 for E.W.) by 1999 c. 8, ss. 65(2), 67(1), Sch. 5; S.I. 2000/1041, **art. 2(d)**, Sch.
- F12** Words in s. 44(2) omitted (1.10.2002) by virtue of National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. 5(5), 42(3); S.I. 2002/2478, {art. 3(1(a))}; and those same words repealed (1.10.2002 for E. and 10.10.2002 for W.) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), s. 37(2), **Sch. 9 Pt. 1**; S.I. 2002/2478, **art. 3(2)(c)(i)**; S.I. 2002/2532, **art. 2**, Sch.
- F13** S. 44(3)-(5) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for W. for specified purposes and otherwise prosp.) by 1999 c. 8, **ss. 11(4)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**
- F14** Words in s. 44(3)(a) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F15** Words in s. 44(3)(a) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(a) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt. 1
- F16** S. 44(3)(aa) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(b)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F17** Words in s. 44(3)(c) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(a)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F18** Words in s. 44(3)(c) substituted (1.4.2002 for E. and 1.7.2002 for W.) by 2001 c. 15, ss. 67(1), 70(2), Sch. 5 Pt. 1 para. 5(7)(b) (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch.; S.I. 2002/1475, **art. 2(1)** Sch. Pt. 1
- F19** S. 44(3)(ca) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(6)(c)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F20** Words in s. 44(4) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), ss. {5(7)}, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F21** S. 44(5)(b) and the preceding word repealed (1.4.2002) by 2001 c. 15, ss. 67(1)(2), 70(2), Sch. 5 Pt. 1 para. 5(7)(c), Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2002/1095, **art. 2(3)**, Sch. Pt. 1; and the repeal also purportedly brought in to force at 1.7.2002 for W. by S.I. 2002/1475, **art. 2(1)**, Sch. Pt. 1

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Modifications etc. (not altering text)

C1 S. 44(1) amended by S.I. 1990/2511, art. 5(1)

45 Functions of local representative committees.

[^{F22F23}(1) Regulations may require Health Authorities—

- (a) in the exercise of their functions under this Part of this Act to consult committees recognised by them under section 44 above,
- (b) in the exercise of any of their functions which relate to arrangements under section 28C above to consult committees recognised by them under section 44(A1)(c) or (B1)(c) above,

on such occasions and to such extent as may be prescribed.

[Regulations may require—

- ^{F22}(1ZA) (a) Primary Care Trusts, in the exercise of their functions under this Part of this Act, to consult committees recognised by them under section 44 above,
- (b) Strategic Health Authorities, in the exercise of any of their functions which relate to arrangements under section 28C above, to consult committees recognised under section 44(ZA1)(c) or (A2)(c) above by Primary Care Trusts for the area or areas where the personal medical or dental services are provided (or to be provided) under the arrangements,

on such occasions and to such extent as may be prescribed.]

(1A) The [^{F24} powers conferred by subsections (1) and (1ZA) above are] without prejudice to any other power to require a [^{F25} Strategic Health Authority, Primary Care Trust or] Health Authority to consult any committee recognised under section 44 above.

(1B) Committees recognised under section 44 above shall exercise such other functions as may be prescribed.

(1C) A committee recognised for an area under [^{F26} subsection (ZA1)(b) or (c), (A1)(b) or (c), (A2)(b) or (c) or (B1)(b) or (c)] of section 44 above shall, in respect of each year, determine the amount of its administrative expenses for that year attributable —

- ^{F27}(za) [in the case of a committee recognised under subsection (ZA1)(b) or (c)(ii) of that section, to the deputy medical practitioners for the Primary Care Trust's area;
- (zb) in the case of a committee recognised under subsection (ZA1)(c) of that section, to the section 28C medical practitioners for that area;]
- (a) in the case of a committee recognised under subsection (A1)(b) or (c)(ii) of that section, to the deputy medical practitioners for the area;
- (b) in the case of a committee recognised under subsection (A1)(c) of that section, to the section 28C medical practitioners for the area;
- ^{F28}(ba) [in the case of a committee recognised under subsection (A2)(b) or (c)(ii) of that section, to the deputy dental practitioners for the Primary Care Trust's area;
- (bb) in the case of a committee recognised under subsection (A2)(c) of that section, to the section 28C dental practitioners for that area;]
- (c) in the case of a committee recognised under subsection (B1)(b) or (c)(ii) of that section, to the deputy dental practitioners for the area;

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- (d) in the case of a committee recognised under subsection (B1)(c) of that section, to the section 28C dental practitioners for the area.]
- (2) The [^{F29}Primary Care Trust or][^{F30} Health Authority] may, on the request of any committee recognised under section 44 for their [^{F30}area], allot to that committee such sums for defraying the committee's administrative expenses [^{F31}(including travelling and subsistence allowances payable to its members)] as may be determined by the [^{F32}Primary Care Trust or][^{F30}Health Authority] . . . ^{F33}
- (3) Any sums so allotted shall be out of the moneys available to the [^{F34}Primary Care Trust or][^{F30}Health Authority] for the remuneration of persons of whom the committee so recognised is representative and who provide general medical services, general dental services, general ophthalmic services or pharmaceutical services, as the case may be, under this Part of this Act.
- The amount of any such sums shall be deducted from the remuneration of those persons in such manner as may be determined by the [^{F35}Primary Care Trust or][^{F30}Health Authority] . . . ^{F33}
- ^{F36}(4) Where a committee has made a determination under subsection (1C) above, it shall apportion the amount so determined among the deputy medical practitioners, section 28C medical practitioners, deputy dental practitioners or section 28C dental practitioners, as the case may be, for the area and each such practitioner shall pay in accordance with the committee's directions the amount so apportioned to him.
- (5) References in this section to administrative expenses of a committee include references to travelling and subsistence allowances payable to its members; but the reference in subsection (2) above to a committee's administrative expenses does not include so much of the committee's administrative expenses as are determined under subsection (1C) above to be attributable to any practitioners mentioned in that subsection.]

Textual Amendments

- F22** S. 45(1ZA) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(9)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F23** S. 45(1)-(1C) substituted (1.9.1999 for E. for specified purposes and 1.4.2000 for specified purposes and otherwise *prosp.*) for s. 45(1) by 1999 c. 8, **ss. 11(6)**, 67(1); S.I. 1999/2342, **art. 2(1)**, **Sch. 1**; 2000/1026, **art. 2(1)**, **Sch.**
- F24** Words in s. 45(1A) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(10)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F25** Words in s. 45(1A) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(10)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F26** Words in s. 45(1C) substituted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(11)(a)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F27** S. 45(1C)(za)(zb) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(11)(b)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F28** S. 45(1C)(ba)(bb) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(11)(c)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F29** Words in s. 45(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(12)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F30** Words in s. 45 substituted (28.6.1995 for specified purposes and otherwise 1.4.1996) by 1995 c. 17, **ss. 2(1)(3)**, 8(1), **Sch. 1 Pt. I para. 33** (with **Sch. 2 paras. 6, 16**)

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- F31** Words in s. 45 omitted (1.9.1999 for E. for specified purposes and 1.4.2000 for specified purposes and otherwise *prosp.*) by virtue of 1999 c. 8, **ss. 11(7)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; 2000/1026, art. 2(1), Sch. and repealed (1.4.2000 for E.W.) by 1999 c. 8, **ss. 65(2)**, 67(1), **Sch. 5**; S.I. 2000/1041, art. 2(c)(d), **Sch.**
- F32** Words in s. 45(2) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(12)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F33** Words repealed by Health and Social Security Act 1984 (c. 48, SIF 113:1), **ss. 5(4)**, 24, Sch. 3 para. 7(b)(ii), **Sch. 8 Pt. I**
- F34** Words in s. 45(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(12)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F35** Words in s. 45(3) inserted (1.10.2002) by National Health Service Reform and Health Care Professions Act 2002 (c. 17), **ss. 5(12)**, 42(3); S.I. 2002/2478, **art. 3(1)(a)**
- F36** S. 45(4)(5) inserted (1.9.1999 for E. for specified purposes and 1.4.2000 for specified purposes and otherwise *prosp.*) by 1999 c. 8, **ss. 11(8)**, 67(1); S.I. 1999/2342, art. 2(1), **Sch. 1**; 2000/1026, art. 2(1), Sch.

Modifications etc. (not altering text)

- C2** S. 45(1): functions of local authority may be responsibility of an executive of the authority (1.4.2000) by virtue of S.I. 2000/695, reg. 3(2)(b), **Sch. 2**

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