

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Security Act 1984, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 5.

FAMILY PRACTITIONER COMMITTEES

Modifications etc. (not altering text)

- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

- 1 The ^{M1}National Health Service Act 1977 shall have effect subject to the following amendments.

Marginal Citations

- M1** 1977 c. 49.

- 2 The following section shall be substituted for section 17—

“17 Directions as to exercise of functions.

- (1) The Secretary of State may give directions with respect to the exercise of any functions exercisable by virtue of sections 13 to 16 above; and, subject to any directions given by the Secretary of State by virtue of this section, a Regional Health Authority may give directions with respect to the exercise by a District Health Authority of which the district is included in its region, of any functions exercisable by the District Health Authority by virtue of section 14 above.
- (2) It shall be the duty of a body to whom directions are given under subsection (1) above to comply with the directions.”.

- 3 In section 22 (co-operation between health authorities and local authorities)—

- (a) in subsection (1), after the words “health authorities” there shall be inserted the words “, Family Practitioner Committees”;
- (b) in subsection (2), for the words from “advise” to “below” there shall be substituted the words “bodies represented on them”;
- (c) in the Table at the end of that subsection, the following paragraph shall be inserted in the second column at the end of each of the three two-column entries— “ Any Family Practitioner Committee whose locality is wholly or partly in the District Health Authority’s district. ”; and
- (d) in section (4)(b), after the word “Authority”—

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- (i) in the first place where it occurs, there shall be inserted the words “or a Family Practitioner Committee”; and
- (ii) in the second place where it occurs, there shall be added the words “or the locality of the Family Practitioner Committee”.
- 4 The following subsection shall be inserted after subsection (1) of section 30 (applications to provide general medical services)—
- “(1A) No medical practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his application for the inclusion of his name in the list kept by any Family Practitioner Committee referred to the Medical Practices Committee unless he satisfies the Family Practitioner Committee that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general medical services in the Committee’s locality; and where a Family Practitioner Committee is not so satisfied with respect to any applicant the Family Practitioner Committee shall not refer his application to the Medical Practices Committee.”.
- 5 (1) Section 36 (regulations as to arrangements for general dental services) shall be re-numbered so as to become section 36(1).
- (2) At the end of the resulting subsection (1) there shall be added as subsection (2)—
- “(2) No dental practitioner who is a national of a member State and is registered by virtue of a qualification granted in a member State shall be entitled to have his name included in the list kept by any Family Practitioner Committee unless he satisfies the Committee that he has that knowledge of English which, in the interests of himself and his patients, is necessary for the provision of general dental services in the Committee’s locality.”.
- 6 In subsection (1) of section 44 (recognition of local representative committees)—
- (a) for the words from “area”, in the first place where it occurs, to “Authority”, in the second place where it occurs, there shall be substituted the words “locality of any Family Practitioner Committee”;
- (b) the word “locality” shall be substituted for the words “area or district”, in each place where they occur.
- 7 In section 45 (functions of local representative committees)—
- (a) in subsection (1), for the words “the area of an Area Health Authority or for the district of a District Health Authority” there shall be substituted the words “a locality”;
- (b) in subsection (2)—
- (i) for the words “area or district” there shall be substituted the word “locality”; and
- (ii) the words “with the Secretary of State’s approval” shall be omitted; and
- (c) in subsection (3), the words “with the Secretary of State’s approval” shall be omitted.

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8 The following paragraph shall be substituted for paragraph (i) of section 56 (inadequate services)—

“(i) he may authorise the Family Practitioner Committee to make such other arrangements as he may approve, or may himself make such other arrangements, and”.

9 In section 97 (means of meeting expenditure of health authorities out of public funds)

(a) the following paragraph shall be substituted for subsection (1)(b)—

“(b) to each Family Practitioner Committee—

(i) sums not exceeding the amount allotted by him to the Committee for that year towards meeting the expenditure attributable to the performance by the Committee of their functions in that year;

(ii) sums equal to the expenditure by them in that year which is attributable to disbursements to persons providing services in pursuance of Part II of this Act;”;

(b) the following subsection shall be substituted for subsection (3)—

“(3) The Secretary of State may give directions to a Regional Health Authority or Family Practitioner Committee or to a District Health Authority whose district is in Wales with respect to the application of sums paid to them under subsection (1) above.”; and

(c) in subsection (5), after the words “health authority” there shall be inserted the words “or Family Practitioner Committee”.

10 The following section shall be inserted after section 97A—

“97B Financial duties of Family Practitioner Committees.

(1) It is the duty of every Family Practitioner Committee, in respect of each financial year, so to perform their functions as to secure that the expenditure attributable to the performance of those functions in that year, other than expenditure attributable to disbursements to persons providing services in pursuance of Part II of this Act, in respect of their provision of such services, does not exceed the aggregate of—

(a) the amounts allotted to the Committee for that year under section 97(1) above;

(b) any other sums received by the Committee under this Act in that year; and

(c) any sums received otherwise than under this Act in that year by the Committee for the purpose of enabling the Committee to defray any such expenditure.

(2) The Secretary of State may give such directions to a Family Practitioner Committee as appear to him to be requisite to secure that the Committee comply with the duty imposed on them by subsection (1) above and it shall be the duty of the Committee to comply with the direction.

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- (3) Directions under subsection (2) above may be specific in character.
- (4) The Secretary of State may, by directions, determine—
- (a) whether sums of a description specified in the directions are or are not to be treated for the purposes of this section as being receivable under this Act by a Family Practitioner Committee for the purposes of their functions;
 - (b) whether expenditure of a description specified in the directions is or is not to be treated for the purposes of this section as being attributable to a Family Practitioner Committee’s performance of their functions; or
 - (c) the extent to which and the circumstances in which sums received but not yet spent by a Family Practitioner Committee under section 97(1) above are to be treated for the purposes of this section as part of the expenditure of the Committee attributable to the performance of their functions and to which financial year’s expenditure in the performance of such functions they are to be attributed.”.

11 In section 128(1) (interpretation and construction) the following definition shall be substituted for the definition of “health authority”—

““health authority” means a Regional or District Health Authority or a special health authority but does not include a Family Practitioner Committee;”.

12 For Part II of Schedule 5 there shall be substituted the following Part—

“PART II

FAMILY PRACTITIONER COMMITTEES

- 6 (1) Subject to paragraph 7 below, a Family Practitioner Committee shall consist of a chairman and 30 other members.
- (2) The chairman shall be appointed by the Secretary of State.
- (3) The other members shall be appointed by the Secretary of State, as follows—
- (a) 8 shall be appointed from persons nominated by the Local Medical Committee for the locality of the Family Practitioner Committee, and one of them shall be, a medical practitioner having the qualifications prescribed in pursuance of section 38 above;
 - (b) 3 shall be appointed from persons nominated by the Local Dental Committee for that locality;
 - (c) 2 shall be appointed from persons nominated by the Local Pharmaceutical Committee for that locality;
 - (d) 1 shall be an ophthalmic optician appointed from persons nominated by such members of the Local Optical Committee for that locality as are ophthalmic opticians;

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- (e) 1 shall be a dispensing optician appointed from persons nominated by such members of the Local Optical Committee as are dispensing opticians;
 - (f) 4 shall be appointed from persons nominated by local authorities any part of whose area is in the locality of the Family Practitioner Committee;
 - (g) 4 shall be appointed from persons nominated by District Health Authorities any part of whose district is in the locality of the Family Practitioner Committee; and
 - (h) 7 shall be appointed after such consultations with such bodies as the Secretary of State considers appropriate.
- (4) One member must be a person who—
- (a) is registered in the register of qualified nurses, midwives and health visitors—
 - (i) as a nurse recorded in the register as having an additional qualification in district nursing;
 - (ii) as a midwife; or
 - (iii) as a health visitor; and
 - (b) has recent experience of providing services to patients (other than patients resident in hospital) in any such capacity.
- (5) If a nomination required for the purposes of sub-paragraph (3) above is not made before such date as the Secretary of State may determine, he may appoint a member without waiting any longer for the nomination.
- (6) No person—
- (a) shall be nominated for appointment to a Family Practitioner Committee under sub-paragraph (3)(f) or (g) above or sub-paragraph (5) above; or
 - (b) shall be appointed to such a Committee under sub-paragraph (3) (f), (g) or (h) above,
- if he is—
- (i) a medical practitioner;
 - (ii) a dental practitioner;
 - (iii) an ophthalmic optician;
 - (iv) a dispensing optician;
 - (v) a registered pharmacist; or
 - (vi) a person conducting a business providing any service for the purposes of Part II of this Act.
- (7) If a Local Medical Committee so require, the Secretary of State shall appoint from among medical practitioners having the qualifications prescribed in pursuance of section 38 above and nominated by the Local Medical Committee under sub-paragraph (3)(a) above a medical practitioner to be the deputy of such a practitioner appointed from among persons nominated by them under sub-paragraph (3)(a) above.
- (8) If a Local Optical Committee so require, the Secretary of State shall appoint from among ophthalmic opticians nominated by the Committee under sub-paragraph (3)(d) above an ophthalmic optician to be the

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deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(d) above.

- (9) If a Local Optical Committee so require, the Secretary of State shall appoint from among dispensing opticians nominated by the Committee under sub-paragraph (3)(e) above a dispensing optician to be the deputy of such an optician appointed from among persons nominated by them under sub-paragraph (3)(e) above.
- (10) A deputy may, while the member for whom he is deputy is absent from any meeting of the relevant Family Practitioner Committee, act as a member of that Committee in the place of the absent member.
- (11) The Committee shall appoint one of their members to be vice-chairman.
- 7 (1) If it appears to the Secretary of State that, by reason of special circumstances affecting a locality, it is appropriate that the Family Practitioner Committee for that locality should not be in accordance with paragraph 6 above, he may by order provide that that paragraph shall apply in relation to the Committee for that locality with such modifications as are specified in the order.
- (2) Subject to sub-paragraph (3) below, it is the Secretary of State's duty, before he makes an order under sub-paragraph (1) above, to consult the Family Practitioner Committee for the locality and any District Health Authority any part of whose district is in the locality of the Family Practitioner Committee with respect to the order.
- (3) It shall also be his duty, in making any such order, to have regard to the desirability of maintaining, so far as practicable, the same numerical proportion as between members falling to be appointed in pursuance of paragraph 6 above as there would be if no modification were made.
- 7A (1) Any member of a Family Practitioner Committee appointed by virtue of paragraph 6(3)(e) above shall cease to be a member of the Committee on the day on which the repeal of that paragraph by section 24 of the Health and Social Security Act 1984 comes into force.
- (2) The following paragraph shall be substituted on that day for paragraph 6(3)(e) above—
- (e) 1 shall be appointed from persons nominated—
- (i) by the Local Medical Committee for the locality of the Family Practitioner Committee;
- (ii) by the Local Dental Committee for that locality;
- (iii) by the Local Pharmaceutical Committee for that locality; or
- (iv) by the Local Optical Committee for that locality;”

13 In paragraph 9 of Schedule 5 (pay and allowances of chairmen of certain authorities)

- (a) in sub-paragraph (1) the words “other than a Family Practitioner Committee” shall cease to have effect; and
- (b) in sub-paragraphs (2) and (3) the words “other than such a Committee” shall cease to have effect.

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- 14 In paragraph 10(1) of that Schedule (employment of officers by certain authorities) (as amended by paragraph 3(1) of Schedule 6 to the ^{M2}Health and Social Services and Social Security Adjudications Act 1983) the words “(other than a Family Practitioner Committee)” shall cease to have effect.

Marginal Citations

M2 1983 c

- 15 The following sub-paragraphs shall be substituted for paragraph 2(d) to (g) of Schedule 7 (additional provisions as to Community Health Councils)—
- “(d) the consultation of Councils by District Health Authorities or relevant Family Practitioner Committees with respect to such matters, and on such occasions, as may be prescribed;
 - (e) the furnishing of information to Councils by such Authorities and Committees, and the right of members of Councils to enter and inspect premises controlled by such Authorities;
 - (f) the consideration by Councils of matters relating to the operation of the health service within their districts, and the giving of advice by Councils to such Authorities and Committees on such matters;
 - (g) the preparation and publication of reports by Councils on such matters, and the furnishing and publication by such Authorities or Committees of comments on the reports; and”.
- 16 In paragraph 3(d) of that Schedule, for the words “Area or District Health Authority” there shall be substituted the words “District Health Authority or Family Practitioner Committee”.
- 17 The following paragraph shall be added at the end of that Schedule—
- “8 A Family Practitioner Committee is a relevant Family Practitioner Committee in relation to a Council’s district if any part of the Committee’s locality is in that district, but is only a relevant Committee in relation to that Council to the extent that the Council performs its functions in relation to that part.”.

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