

*Status: Point in time view as at 01/04/2006.*

*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- C1** The text of Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991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 <sup>M1</sup>National Health Service Act 1977 shall have effect subject to the following amendments.

##### Marginal Citations

- M1** 1977 c. 49.

- <sup>F1</sup>2 .....

##### Textual Amendments

- F1** Sch. 3 para. 2 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

- 3 In section 22 (co-operation between health authorities and local authorities)—
- <sup>F2</sup>(a) .....
- (b) in subsection (2), for the words from “advise” to “below” there shall be substituted the words “bodies represented on them”;
- <sup>F2</sup>(c) .....
- <sup>F2</sup>(d) .....

##### Textual Amendments

- F2** Sch. 3 para.3(a)(c)(d) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), **Sch. 3** (with Sch. 2 paras. 6, 16)

- <sup>F3</sup>4 .....

##### Textual Amendments

- F3** Sch. 3 para. 4 repealed (10.12.1998) by 1997 c. 46, s. 41(12), **Sch. 3 Pt. I**; S.I. 1998/2840, art. 2, **Sch.**

- <sup>F4</sup>5 .....

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**Textual Amendments**

**F4** Sch. 3 para. 5 repealed (1.4.2006 for E., 1.4.2006 for W. for specified purposes) by [Health and Social Care \(Community Health and Standards\) Act 2003 \(c. 43\)](#), s. 199(1)(4), [Sch. 14 Pt. 4](#); S.I. 2005/2925, art. 11; S.I. 2006/345, art. 7(2)(e)

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”;  
<sup>F5</sup>(b) .....

**Textual Amendments**

**F5** Sch. 3 para. 6(b) repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

<sup>F6</sup>7 .....

**Textual Amendments**

**F6** Sch. 3 para. 7 repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

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”.

<sup>F7</sup>9 .....

**Textual Amendments**

**F7** Sch. 3 para. 9 repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

<sup>F8</sup>10 .....

**Textual Amendments**

**F8** Sch. 3 para. 10 repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

<sup>F9</sup>11 .....

**Textual Amendments**

**F9** Sch. 3 para. 11 repealed (1.4.1996) by [1995 c. 17](#), s. 5(1)(2), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

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

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## “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;
  - (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—

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- (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 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

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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;”

F10 13 .....

**Textual Amendments**

F10 Sch. 3 para. 13 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F11 14 .....

**Textual Amendments**

F11 Sch. 3 para. 14 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F12 15 .....

**Textual Amendments**

F12 Sch. 3 para. 15 repealed (20.10.2003 for W., 1.12.2003 for E.) by Health (Wales) Act 2003 (c. 4), s. 10(2), Sch. 4; S.I. 2003/2660, art. 2(1)(iii)(2); S.I. 2003/3064, art. 2(1)(iii)

F13 16 .....

**Textual Amendments**

F13 Sch. 3 para. 16 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

F14 17 .....

**Textual Amendments**

F14 Sch. 3 para. 17 repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 paras. 6, 16)

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