STATUTORY INSTRUMENTS

1983 No. 313

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1983

Made - - - -	*3rd March* 1983
Laid before Parliament	*11th March* 1983
Coming into Operation	*1st April* 1983

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 16(1)*(b)* and *(d)*, 29, 41, 42 and 43 of the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service (General Medical and Pharmaceutical Services) Amendment Regulations 1983 and shall come into operation on *1st April* 1983.

Amendment to Regulations

2.—(1) The National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(**b**) shall be further amended in accordance with the following provisions of this regulation.

(2) In regulation 2 (Interpretation), in paragraph (1) in the appropriate place in alphabetical order there shall be inserted the following definitions—

" "controlled locality" has the meaning assigned to it in regulation 30D;

"dispensing sub-committee" has the meaning assigned to it in regulation 30B;

"finally granted" and "final grant" include the meaning assigned to them in regulation 30E(9) and "finally refused" and "finally determined" shall be construed accordingly;

"Rural Dispensing Committee" means the special health authority consti-

(**a**) 1977 c. 49; sections 41, 42 and 43 were amended by sections 20(1), 21(1) and 21(2) respectively of the Health Services Act 1980 (c. 53); sections 29, 41, 42 and 43 were amended by paragraphs 42, 53, 54 and 55 respectively of Schedule 1 to that Act; sections 29 and 41 were amended by paragraphs 93 and 95 respectively of Schedule 1 to that Act.

(**b**) S.I. 1974/160; the relevant amending instruments are S.I. 1975/719, 1982/1283.

tuted by the Rural Dispensing Committee (Establishment and Constitution) Order 1983(a);",

and in paragraph (3) for the words "doctor or chemist" wherever they appear there shall be substituted the word "person", after the word "given" wherever it appears there shall be inserted the words "or sent" and after the words "chemist" where it appears for the second time and "him" there shall be inserted the words "or, in the case of a body, to the secretary or administrator of that body".

(3) In regulation 26 (Pharmaceutical list)—

(a) for sub-paragraph (1)*(a)* there shall be substituted the following new sub-paragraph—

"*(a)* the names of the persons whose applications to provide pharmaceutical services have, in accordance with the provisions of these regulations, been finally granted;";

(b) after paragraph (3) there shall be added the following new paragraph—

"(4) Any application under paragraph (2) received by the Committee shall be granted unless it is an application that must be referred to the Rural Dispensing Committee under the provisions of regulation 26A.".

(4) After regulation 26 there shall be inserted the following regulations—

"Referral of applications to the Rural Dispensing Committee

26A.—(1) Subject to paragraph (5) where the premises specified in an application under regulation 26(2)*(a)* are in a controlled locality that application shall be referred by the Committee to the Rural Dispensing Committee for determination under Part VIIIB unless—

(a) the applicant intends to change the premises within that locality at which he provides pharmaceutical services; and

(b) the condition specified in paragraph (3) does not apply.

(2) Subject as aforesaid where—

(a) the premises specified in an application under regulation 26(2)*(a)* (not being in a controlled locality) are within one mile of any part of any controlled locality in which reside patients for whom a doctor provides pharmaceutical services; and

(b) the condition specified in paragraph (3) applies,

the Committee shall grant the application but shall refer the question which conditions (if any) are to be imposed in relation to that grant to the Rural Dispensing Committee for determination under Part VIIIB, and, pending final determination of that question, pursuant to regulation 30(9), shall not in consequence of the grant give notice to any doctor to discontinue the provision of pharmaceutical services to any patient.

(3) The condition referred to in paragraphs (1) and (2) is that the granting of the application would—

(a) S.I. 1983/312.

(a) in the view of the Committee; or

(b) in the unanimous view, expressed at the meeting of the dispensing sub-committee at which the matter is considered, either of the members of the dispensing sub-committee who have been appointed by the Local Medical Committee or of those appointed by the Local Pharmaceutical Committee and are present at that meeting

result in a significant change in the arrangements for the provision of pharmaceutical services in any part of any controlled locality.

(4) Where the premises specified in an application are within one mile of the area of another Committee, the Committee shall make enquires as to controlled localities in that area in order to determine—

(a) whether the application is of the description specified in paragraph (2); and

(b) which controlled localities are to be considered for the purposes of paragraph (3)

and, where it is satisfied that there is a relevant controlled locality in that area, it shall consult that Committee before a decision is taken as to whether paragraph (3) applies.

(5) An application or question shall not be referred under this regulation—

(a) where regulation 26C applies;

(b) where the applicant intends to provide pharmaceutical services in the place of and at the same location as another person who provides pharmaceutical services.

Preliminary consent to be included in the pharmaceutical list

26B.—(1) A chemist who wishes to be granted the right under regulation 26C to be included in the pharmaceutical list upon a subsequent application may apply to the Committee for preliminary consent.

(2) An application for preliminary consent shall be in writing and shall state the location of the premises at which the chemist proposes to provide pharmaceutical services.

(3) An application for preliminary consent or a question in relation to the grant by a Committee of preliminary consent shall be referred by the Committee to the Rural Dispensing Committee for determination under Part VIIIB in the circumstances specified in regulation 26A in relation to applications under regulation 26(2) and questions in relation to the grant of such applications.

(4) The Committee shall grant all applications for preliminary consent except an application which must be referred to the Rural Dispensing Committee under paragraph (3).

(5) A preliminary consent shall have effect for a period of 12 months from its final grant, provided that, if before the expiration of that period the Committee allow an extension for such further period as it considers

reasonable in the circumstances, the preliminary consent shall have effect for such extended period.

Effect of preliminary consent

26C.—(1) The Committee shall grant an application under regulation 26(2) where—

(a) the applicant has been finally granted preliminary consent; and

(b) the date specified in the application for inclusion in the pharmaceutical list falls within the period of effect of the preliminary consent; and

(c) the premises specified in the application have the same location as that in respect of which the preliminary consent was granted.

(2) Where in relation to an application under regulation 26(2)—

(a) sub-paragraphs *(a)* and *(b)* of paragraph (1) are satisfied but the premises specified in the application have a different location from that in respect of which preliminary consent was granted; and

(b) the preliminary consent was granted by the Rural Dispensing Committee or the Secretary of State on appeal

the Committee shall treat that application as though it were an application by a chemist intending to change the location of the premises at which he provides pharmaceutical services from those in respect of which preliminary consent was granted.

(3) The grant of an application under this regulation shall be subject to any conditions imposed by the Rural Dispensing Committee or the Secretary of State under Part VIIIB in relation to the final grant of the corresponding preliminary consent.".

(5) For Part VIII there shall be substituted the following Part—

"PART VIII

PROVISION OF PHARMACEUTICAL SERVICES BY DOCTORS

Supply for immediate treatment or personal administration

29B. A doctor—

(a) shall supply to a patient any drug or appliance where such supply is needed for the immediate treatment of that patient before a supply can be otherwise obtained;

(b) may supply to a patient any drug or appliance which he personally administers, or, as the case may require, applies to that patient.

Arrangements for provision of pharmaceutical services by doctors

30.—(1) Where immediately before 1st April 1983 an arrangement or requirement under these regulations for a doctor to supply drugs and appliances to a patient was in effect that arrangement or requirement shall have effect as though made under the following provisions of this regulation notwithstanding that paragraph (3) is not satisfied.

(2) Where a person (in this regulation referred to as "the patient")—

(a) satisfies the Committee that he would have serious difficulty in obtaining any necessary drugs and appliances from a chemist by reason of distance or inadequacy of means of communication; or

(b) is resident in a controlled locality, at a distance of more than one mile from the premises of any chemist, and one of the conditions specified in paragraph (3) is satisfied in his case,

he may at any time request in writing the doctor on whose list he is included to provide him with pharmaceutical services.

(3) The conditions referred to in paragraph (2) are that—

(a) immediately before 1*st April* 1983 arrangements or requirements were in effect under regulation 30(1)*(b)* and (2) as then in force for that doctor, a partner of his or a former principal in his practice to supply drugs and appliances to patients and the patient—

(i) has not previously been included in a doctor's list; or

(ii) has changed his address from that last notified to a Committee; or

(iii) has not so changed his address but immediately before his acceptance as a patient by that doctor was being provided with pharmaceutical services by a doctor pursuant to an arrangement or requirement under these regulations; or

(b) there is in effect an outline consent granted pursuant to regulation 30A and Part VIIIB to that doctor, a partner of his or a former principal in his practice in respect of the area in which the patient resides and any conditions imposed by the Rural Dispensing Committee or the Secretary of State under regulation 30E(11) or 30G(10) in connection with that grant permit arrangements under this regulation for the provision of pharmaceutical services by that doctor to the patient to be made.

(4) If a doctor so requested—

(a) applies to provide pharmaceutical services to the patient, sending with his application the patient's request in writing, the Committee shall arrange with him to do so;

(b) does not so apply, the Committee may subject to the provisions of paragraph (6) require him to undertake such provision.

(5) An arrangement made by the Committee under paragraph (4)*(a)* shall—

(a) have effect from the date of the patient's request in writing;

(b) enable in addition to that doctor any partner or principal subsequent to him in his practice to provide pharmaceutical services for the patient so long as the arrangement remains in effect.

(6) The Committee shall not require a doctor under paragraph (4)*(b)* to provide pharmaceutical services to a person on his list if that doctor satisfies the Committee or, on appeal, the Secretary of State, that—

(a) he does not normally provide pharmaceutical services under the provisions of this regulation; or

(b) in the case of a person to whom paragraph (2)*(b)* applies, the person would not have serious difficulty in obtaining drugs and appliances from a chemist by reason of distance or inadequacy of means of communication.

(7) A doctor who under the provisions of the preceding paragraphs provides pharmaceutical services to some or all of his patients may provide any necessary pharmaceutical services to a person whom he has accepted as a temporary resident.

(8) The Committee shall give a doctor reasonable notice—

(a) that it requires him to provide pharmaceutical services to any person; or

(b) subject to paragraph (9), that, where a person no longer satisfies the provisions of paragraph (2), the doctor shall discontinue the provision of pharmaceutical services to that person.

(9) Notice under paragraph 8*(b)* shall—

(a) be subject to any conditions, finally determined under Part VIIIB in relation to the grant of an application, which have the effect of deciding when the provision of pharmaceutical services to that person by that doctor shall cease;

(b) shall not be given while a final determination of conditions capable of having that effect is pending by reason of the referral of an application or question to the Rural Dispensing Committee or where regulation 30D(7) so requires.

(10) Notwithstanding the provisions of paragraphs (4) and (7) of this regulation, where a drug or appliance is one for which a doctor is entitled to an additional payment if he supplies it, he may, with the consent of the patient, instead of supplying it himself, order it by issuing a prescription to the patient in accordance with paragraph 36 of Part I of Schedule 1.

(11) In this regulation, the word "drug" shall include contraceptive substance and the word "appliance" shall include contraceptive appliance.

Outline consent

30A.—(1) A doctor wishing to be granted the right under regulation 30 to provide pharmaceutical services by arrangement with the Committee to patients residing in an area by virtue of regulation 30(3)*(b)* being satisfied in their case may apply to the Committee for consent (in these regulations referred to as "outline consent") in writing specifying the area in relation to which he wishes the outline consent to be granted.

(2) The Committee shall refer the application to the Rural Dispensing Committee for determination under Part VIIIB.

(3) An outline consent shall have effect from its final grant but shall cease to have effect if no arrangement has been made pursuant to it under regulation 30 within 12 months—

(a) from its final grant; or

(b) from the last supply of drugs or appliances under an arrangement made pursuant to it under regulation 30.".

(6) After Part VIII there shall be inserted the following Part—

"PART VIIIA

DISPENSING SUB-COMMITTEE AND CONTROLLED LOCALITY

Establishment of dispensing sub-committee

30B.—(1) The Committee may and—

(a) if so requested by the Local Medical or Local Pharmaceutical Committee; or

(b) if it has before 1st April 1983 constituted a dispensing sub-committee under regulation 30(5)*(a)* as then in force; or

(c) on the first receipt of an application pursuant to the provisions of regulation 30(4) or 30A; or

(d) on the first receipt of an application under regulation 26(2) or 26B where the premises specified in the application either are in a controlled locality or are within one mile of any part of a controlled locality in which reside patients for whom a doctor provides pharmaceutical services, unless the applicant wishes to provide pharmaceutical services in the place of and at the same address as another person who provides pharmaceutical services,

shall establish in accordance with the provisions of Part I of Schedule 4A to these regulations a sub-committee (in these regulations called "the dispensing sub-committee") and the provisions of Part II of that Schedule shall apply to the proceedings of that sub-committee.

(2) Where immediately before 1st April 1983 functions delegated to a dispensing sub-committee under regulation 30(5) as then in force were being exercised in respect of any matter, they shall be deemed to have been delegated to the dispensing sub-committee established under paragraph (1).

Functions of the dispensing sub-committee

30C.—(1) The dispensing sub-committee shall subject to the provisions of paragraph (2) exercise on behalf of the Committee the functions of the Committee under regulations 26, 26A to C, 30, 30A and 30D to G.

(2) *(a)* The Committee may require the dispensing sub-committee to refer to the Committee for decision any matter or class of matters arising out of the exercise by that sub-committee of those functions;

(b) the sub-committee shall draw up a report on any such matter in question, stating such relevant facts as appear to it to be established by its consideration of that matter together with a recommendation as to the action, if any, which should be taken by the Committee, and shall present that report to the Committee;

(c) the Committee shall consider such report and in making any decision on the matter to which that report relates accept as conclusive any finding of fact contained in it;

(d) if the decision of the Committee is not to accept a recommendation of the dispensing sub-committee or is to take any action other than that recommended by that sub-committee, it shall as part of its decision state its reasons therefor and notify them to any person to whom it notifies its decision.

Determination of controlled locality

30D.—(1) Subject to the provisions of these regulations, if the Committee has before 1st April 1983 formed an opinion under regulation 30(1)*(b)* as then in force that any area is rural in character, that area shall be a controlled locality.

(2) The Committee may at any time subject to paragraph (9) consider and determine whether or not any area is rural in character.

(3) The Local Medical Committee or the Local Pharmaceutical Committee may at any time apply to the Committee for the Committee to consider and determine whether or not an area specified in the application is rural in character.

(4) The Committee shall subject to paragraph (9) on receipt of an application under paragraph (3) consider and determine whether or not the area specified in the application or any part of it is rural in character.

(5) The Committee shall determine the boundaries of any area or part of an area referred to in paragraph (2) or (4) which it has determined to be rural in character and any area finally determined to be such by the Committee or on appeal by the Rural Dispensing Committee shall be a controlled locality and the Committee shall delineate its boundaries on a map.

(6) Any area forming part of an area referred to in paragraph (2) or (4) which is not finally determined to be such shall not be or, as the case may require, shall cease to be a controlled locality.

(7) Notwithstanding the provisions of paragraphs (5) and (6), the Committee shall not in consequence of a determination under the preceding paragraphs include any particulars in the pharmaceutical list or give notice to a doctor pursuant to regulation 30(8) or refer an application to the Rural Dispensing Committee during the period for bringing an appeal or making an application to the Rural Dispensing Committee under the provisions of regulation 30F or pending the determination of any such appeal or application.

(8) The Committee shall upon any determination by it under the preceding paragraphs give notice in writing thereof to the Rural Dispensing Committee, the Local Medical Committee, the Local Pharmaceutical Committee and any doctor or chemist who in the opinion of the Committee may be affected by the determination and shall inform the Local Medical Committee and the Local Pharmaceutical Committee that they may appeal or apply in accordance with the provisions of regulation 30F to the Rural Dispensing Committee against that determination.

(9) Where the Rural Dispensing Committee has determined an appeal under regulation 30F the Committee shall not reconsider what has been

determined for a period of five years and where an application alleging substantial change of circumstances is received the Committee shall refer that application to the Rural Dispensing Committee for determination pursuant to regulation 30F(7) and the application shall be treated as though it were an appeal.".

(7) After Part VIIIA there shall be inserted the following Part—

"PART VIIIB

DETERMINATION OF APPLICATIONS AND APPEALS BY RURAL DISPENSING COMMITTEE AND THE SECRETARY OF STATE

Determination by Rural Dispensing Committee of applications to provide pharmaceutical services

30E.—(1) Where the Committee under regulation 26A(2) or regulation 26B(3) refers a question to the Rural Dispensing Committee in relation to the grant by the Committee of a person's application references in this Part to the applicant and the application shall be construed as references to that person and that application respectively.

(2) Where the Committee refers an application or question to the Rural Dispensing Committee under regulation 26A, 26B or 30A, the Committee shall send a notice of the referral and a copy of the application or question to—

(a) the applicant;

(b) the Local Medical Committee and the Local Pharmaceutical Committee;

(c) any person on the medical or pharmaceutical list of the Committee who might be affected by the grant of the application;

(d) any other Committee on whose medical or pharmaceutical list is included a person who might be so affected.

(3) Where a Committee is sent a copy of an application or question under paragraph (2) it shall send copies to—

(a) its Local Medical Committee and Pharmaceutical Committee;

(b) any person on its medical or pharmaceutical list who might in its opinion be affected by the grant of the application.

(4) The provisions of Schedule 4B to these regulations shall apply to the proceedings of the Rural Dispensing Committee.

(5) The Rural Dispensing Committee may require the Committee to provide it with such information and documents as it may consider necessary for the proper performance of its functions and it shall be the duty of the Committee to comply with such request.

(6) Subject to the provisions of this regulation and of Schedule 4B to these regulations the procedures of the Rural Dispensing Committee shall be such as it may determine.

(7) The Rural Dispensing Committee may where it thinks fit consider applications together in relation to each other and where it proposes to do so it shall inform the applicants and the persons to whom copies of the applications were sent under this regulation.

(8) The Rural Dispensing Committee—

(a) shall refuse any application to the extent that it is of the opinion that to grant it would prejudice the proper provision of general medical services or pharmaceutical services in any locality; and

(b) shall refuse any application under regulation 30A in relation to any part of the specified area which is

(i) not controlled; or

(ii) within one mile of the premises of any chemist

and may refuse any such application in relation to all or any part of the specified area;

(c) may refuse an application in a case to which paragraph (7) applies (notwithstanding that it would in determining that application individually grant it) where the number of applications is such or the applications are made in such circumstances as so to prejudice services if they all (or more than one of them) were granted.

(9) Subject to paragraph (8) the Rural Dispensing Committee shall grant every application subject to any conditions which it may impose under paragraph (11).

(10) An application referred under regulation 26A, 26B or 30A shall not be treated as finally granted for the purposes of these regulations until the end of the period for bringing an appeal to the Secretary of State or until the determination of any such appeal and "final grant" shall be construed accordingly.

(11) The Rural Dispensing Committee in relation to any application or question referred to it to which this regulation applies may within a reasonable time impose such conditions upon the implementation of the grant by the Rural Dispensing Committee or the Committee of the relevant application as to reduce so far as is practicable any adverse consequences thereof to any doctor or chemist over such period as it may think fit.

(12) The Rural Dispensing Committee shall not consider any application referred to it under—

(a) regulation 30A to the extent that the application relates to any area in respect of which the Rural Dispensing Committee or the Secretary of State has, within a period of five years prior to the date of that application, finally refused an application referred under regulation 30A;

(b) regulation 26A or 26B where the location of the premises at which the chemist intends to provide pharmaceutical services is in a controlled locality and is either—

(i) in an area in respect of which, within a period of five years prior to the date of that application, the Rural Dispensing Committee or

the Secretary of State has finally granted an application referred under regulation 30A; or

(ii) within one mile of the location of premises in respect of which, within a period of five years prior to the date of that application, the Rural Dispensing Committee or the Secretary of State has finally refused an application referred under regulation 26A or 26B,

unless it is satisfied that there has within that period been a substantial change of circumstances affecting that area.

Appeals or applications to the Rural Dispensing Committee relating to rurality of an area

30F.—(1) The Local Medical Committee or the Local Pharmaceutical Committee may, where the Committee has pursuant to regulation 30D determined an area to be or not to be rural in character, either—

(a) appeal against that determination, or

(b) apply to the Rural Dispensing Committee to require such measures to be carried out as to reduce so far as is practicable any adverse consequences thereof to any doctor or chemist over such period as it thinks fit,

by sending to the Rural Dispensing Committee within 30 days from the date on which notification of the Committee's decision was sent to such appellant or applicant notice of appeal or application containing a concise statement of the facts and contentions on which that appellant or applicant intends to rely.

(2) The Rural Dispensing Committee on receipt of any notice of appeal or application under this regulation shall send copies thereof to the Committee and all the persons to whom the Committee has given notice of its determination under regulation 30D.

(3) The Committee, the Local Medical Committee and the Local Pharmaceutical Committee may within 30 days of the date on which the Rural Dispensing Committee sent copies to them of the notice of appeal or application under this regulation submit representations on the matter to the Rural Dispensing Committee.

(4) The Rural Dispensing Committee may determine an appeal or application under this regulation in such manner as it thinks fit, and its decision in respect of that appeal or application shall be final and conclusive.

(5) The Rural Dispensing Committee, in any case where it determines an appeal or application under this regulation, may require such measures to be carried out as to reduce so far as is practicable any adverse consequences to any doctor or chemist over such period as it thinks fit.

(6) The Rural Dispensing Committee shall upon the determination by it under this regulation of an appeal or application notify the Secretary of State and all the persons to whom it has given notice under paragraph (2) of its decision.

(7) If the Rural Dispensing Committee has determined an appeal under

paragraph (4), no further appeal in respect of any part of the same locality shall be entertained by it within five years from the date on which the determination of the appeal was notified to the parties concerned, unless it is satisfied that there has been within that period a substantial change of circumstances affecting that locality.

Appeals to the Secretary of State from decision of Rural Dispensing Committee on applications to provide pharmaceutical services

30G.—(1) Where an application or question has been determined by the Rural Dispensing Committee under regulation 30E the applicant and any person whose name is included on the medical or pharmaceutical list of the Committee or of any Committee to which the application was sent and who submitted evidence pursuant to paragraph 1 of Schedule 4B may appeal in writing to the Secretary of State against the decision of the Rural Dispensing Committee in respect of such application or against any condition imposed by the Rural Dispensing Committee subject to which the application was granted.

(2) Where the Rural Dispensing Committee has pursuant to regulation 30E(7) determined an application by reference to one or more other applications any applicant may appeal against any of the determinations and where the Secretary of State receives appeals against two or more of the determinations he shall consider them together.

(3) Such appeal shall be made within 14 days from the date on which notice of the decision of the Rural Dispensing Committee was sent to the appellant, and shall contain a concise statement of the facts and contentions upon which he intends to rely.

(4) If the Secretary of State is of the opinion that the appeal is of such a nature that it can properly be determined without an oral hearing, he may dispense with an oral hearing and determine the appeal summarily, and shall communicate his decision to the persons referred to in paragraph (11).

(5) If the Secretary of State is of the opinion that an oral hearing is required, he shall appoint one or more persons to hear the appeal.

(6) An oral hearing shall take place at such time and place as the Secretary of State may direct and notice of the hearing shall be sent not less than ten days before the date fixed for the hearing to the persons referred to in paragraph (11).

(7) The appellant and any of the persons to whom notice of the hearing is required to be sent may attend and be heard in person or by counsel or solicitor or other representative and the Committee may be represented at the hearing by any duly authorised officer or member or by counsel or solicitor.

(8) Subject to the provisions of this regulation, the procedure at any oral hearing shall be such as the person or persons hearing the appeal may determine.

(9) The person or persons hearing any appeal shall report thereon to the Secretary of State stating the relevant facts and his or their conclusions, and

the Secretary of State, after taking the report into consideration, shall determine the appeal and communicate his decision to the persons referred to in paragraph (11).

(10) Where the Secretary of State in determining an appeal under paragraphs (5) or (9) grants the application he may grant it subject to such conditions as he may impose.

(11) The persons referred to above are the Rural Dispensing Committee, the Committee, the Local Medical Committee, the Local Pharmaceutical Committee, the appellant and any other person who gave evidence to the Rural Dispensing Committee and any other Committee, Local Medical Committee or Local Pharmaceutical Committee which gave evidence to the Rural Dispensing Committee in relation to the determination of the application or question.".

(8) After regulation 34 there shall be inserted the following regulation—

"Transitional provisions

34A.—(1) Regulation 26A shall not apply to an application under regulation 26(2) except where-

(a) the date specified in that application for inclusion in the pharmaceutical list falls on or after 1st April 1983; or

(b) that application was received on or after 1st April 1983.

(2) Where before 1st April 1983 a Committee has received notification pursuant to regulation 30(2) as then in force of a doctor's willingness to supply drugs and appliances to a patient from a date before 1st April 1983 the Committee shall arrange with him to do so and the arrangement shall be treated as one to which regulation 30(1) applies.

(3) Where a Committee receives notification referred to in paragraph (2) of a doctor's willingness to supply drugs and appliances from a date falling on or after 1st April 1983 or a doctor applies under regulation 30(4) in respect of a request which has taken place before that latter date the Committee shall not arrange with the doctor to provide pharmaceutical services to that patient unless the patient satisfies regulation 30(2) on that latter date.".

(9) After Schedule 4 there shall be inserted the following Schedules—

"SCHEDULE 4A Regulation 30B

DISPENSING SUB-COMMITTEE

PART I

Membership

1. The dispensing sub-committee shall consist of ten members of whom—

(1) four shall be appointed by the Committee of which four—

(a) one shall be the chairman who shall be appointed after consultation with the Local Medical Committee and Local Pharmaceutical Committee, and who shall not be a doctor, a dental practitioner, an ophthalmic optician, a dispensing optician or a chemist; and

(b) three shall be persons appointed by and from the lay members of the Committee of whom none is a doctor, a dental practitioner, an ophthalmic optician, a dispensing optician or a chemist,

and none shall have a current personal interest in or be associated with any person who has such an interest in any matters with which that sub-committee are or are likely to be concerned;

(2) three shall be doctors appointed by the Local Medical Committee;

(3) three shall be chemists appointed by the Local Pharmaceutical Committee;

(4) Persons to act as deputies for and corresponding in number to those persons appointed pursuant to paragraphs 1*(b)*, 2 and 3 above shall be appointed in like manner as those persons and in the absence of one of those persons a deputy appointed in like manner shall be entitled to act in his place.

PART II

Procedure at meetings

2. The members shall elect one of their number appointed by virtue of sub-paragraph (1)*(b)* of paragraph 1 above to be vice-chairman of the sub-committee.

3. At any meeting of the sub-committee the Chairman or in his absence the vice-chairman shall preside and failing the attendance of both Chairman and vice-chairman the sub-committee shall choose one of their members appointed under sub-paragraph (1)*(b)* of paragraph 1 above (but not a deputy for a member) present to preside.

4. (1) Before the start of a meeting the person presiding shall ask the members of the sub-committee whether any of them has an interest either directly or through association with any person concerned in any matter before the sub-committee at that meeting and any member of the sub-committee having any such interest shall disclose it accordingly.

(2) Any member of the sub-committee who has disclosed an interest pursuant to the provisions of sub-paragraph (1) above and any member who in the opinion of the person presiding expressed to the meeting has such an interest, shall not be present at the discussion of and voting on the matter in question and a deputy appointed in like manner who has not such an interest may act in his place.

5. No business shall be transacted at a meeting of the sub-committee unless at least two doctors, two chemists and two persons appointed by virtue of sub-paragraph (1)*(b)* of paragraph (1) above or deputies for them in addition to the person presiding are present.

6.—(1) Subject to sub-paragraph (2) below and subject to regulation 26A(3) every question at a meeting shall be determined by a majority of the votes of the members present and voting on the question.

(2) The person presiding at a meeting shall not be entitled to vote at that meeting except in the case of an equality of the votes of the other persons present and voting, in which case he shall have a casting vote.

7. Subject to the provisions of these regulations and of this Schedule, the Committee may make, vary or revoke standing orders with respect to the terms of office of members of the dispensing sub-committee, the procedure of that sub-committee and the making of any reports of its proceedings to the Committee.

8. The proceedings of the dispensing sub-committee shall not be invalidated by any vacancy in its membership, or by any defect in a member's appointment.

9. In this Schedule except where the context otherwise requires "member" includes the deputy acting for a member pursuant to the provisions of paragraph 1(4) above.

10. Any person not being a member of the Committee who is appointed Chairman of the dispensing sub-committee shall be entitled to attend and take part in the proceedings of the meetings of the Committee but not to vote.

SCHEDULE 4B Regulation 30E

RURAL DISPENSING COMMITTEE PROCEDURE ON APPLICATIONS TO PROVIDE PHARMACEUTICAL SERVICES

1.—(1) Any person to whom the Committee has sent a copy of the application or question may, within 30 days of the date on which that copy was sent to him or such longer period as the Rural Dispensing Committee may allow, submit written evidence to the Committee.

(2) Any other person who considers that he might be affected by the

decision on the application may, within such period as the Rural Dispensing Committee may allow, submit written evidence to the Committee.

(3) The Committee shall forward to the Rural Dispensing Committee any written evidence submitted under this paragraph.

(4) The Committee may give written evidence to the Rural Dispensing Committee.

2.—(1) Any person who has submitted written evidence under paragraph 1(1) or 1(2) above may give oral evidence to the Rural Dispensing Committee if the Rural Dispensing Committee allows.

(2) The Rural Dispensing Committee may invite any other person to give oral evidence as it thinks fit.

(3) The Committee may give oral evidence to the Rural Dispensing Committee.

3. Forthwith on the determination by the Rural Dispensing Committee of any application referred to it under regulations 26A, 26B or 30A it shall notify in writing the Secretary of State, the applicant, the Committees concerned, the Local Medical Committee and the Local Pharmaceutical Committee for the areas of those Committees and any other person who has given evidence under the provisions of paragraph 1 or 2 above of its decision and of the rights of appeal provided for by regulation 30G(1).".

Norman Fowler,
Secretary of State for Social Services.

3rd March 1983.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations concern the arrangements prescribed by the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974 between practitioners and Family Practitioner Committees for the provision of pharmaceutical services in the National Health Service in so far as those services are to be provided in areas which are rural in character. These Regulations amend those Regulations by prescribing circumstances in which a chemist may not be included in the pharmaceutical list of such a Committee in respect of business premises in such an area and a doctor may not be entitled to provide pharmaceutical services on request to a patient resident in such an area by arrangement with such a Committee without there having been granted an appropriate application to be determined by the Rural Dispensing Committee established by the Rural Dispensing Committee (Establishment and Constitution) Order 1983 or, on appeal, by the Secretary of State. They prescribe the procedure for the making and determination of those applications and for the determination by such a Committee or, on appeal, by the Rural Dispensing Committee of which areas are rural in character. They provide for the Rural Dispensing Committee or the Secretary of State to attach to the grant of an application to provide pharmaceutical services in or near such an area or to the determination of the rurality of an area conditions to reduce any adverse effects of such a grant to doctors and chemists. They also provide for the constitution and procedure of dispensing sub-committees of Family Practitioner Committees and the circumstances in which they are to perform functions of Family Practitioner Committees in relation to the subject matter of these Regulations.

SI 1983/313
ISBN 0-11-036313-2