
STATUTORY INSTRUMENTS

1996 No. 703

**The National Health Service (Service Committees
and Tribunal) Amendment Regulations 1996**

Amendment to Schedule 2 of the principal Regulations

12. For Schedule 2 to the principal Regulations there shall be substituted the following—

“SCHEDULE 2

regulation 3(5)

PART I

CONSTITUTION OF DISCIPLINE COMMITTEES

- 1.** A discipline committee other than a joint discipline committee shall consist of—
 - (a) a chairman appointed in accordance with paragraph 4;
 - (b) no more than three lay persons appointed by the Health Authority; and
 - (c) no more than three professional persons appointed by the Health Authority from a list of nominees provided by the relevant local representative committee for the Health Authority’s area.

- 2.—(1)** A joint discipline committee shall consist of—
 - (a) a chairman appointed in accordance with paragraph 4; and
 - (b) ten other members of whom—
 - (i) two shall be lay persons appointed by the Health Authority,
 - (ii) two shall be doctors appointed in accordance with sub-paragraph (2) by the medical discipline committee,
 - (iii) two shall be dentists appointed in accordance with sub-paragraph (2) by the dental discipline committee,
 - (iv) two shall be pharmacists appointed in accordance with sub-paragraph (2) by the pharmaceutical discipline committee,
 - (v) two shall be ophthalmic medical practitioners or opticians appointed in accordance with sub-paragraph (2) by the ophthalmic discipline committee.

(2) A person appointed as a member of a joint discipline committee by a discipline committee under sub-paragraph (1)(b)(ii) to (v) shall already be a member of the discipline committee which appoints him or a deputy for such a member.

(3) A member of the joint discipline committee appointed by a discipline committee shall not take part in an investigation by the joint discipline committee unless the matter to be investigated involves a question relating to a relevant practitioner.

(4) For the purposes of sub-paragraph (3) a relevant practitioner is—
 - (a) in relation to a member appointed by the medical discipline committee, a doctor;

- (b) in relation to a member appointed by the dental discipline committee, a dentist;
- (c) in relation to a member appointed by the ophthalmic discipline committee, an ophthalmic medical practitioner or an optician;
- (d) in relation to a member appointed by the pharmaceutical discipline committee, a chemist.

3.—(1) As respects each discipline committee not fewer than three lay persons and not fewer than three professional persons shall be appointed as deputies, according to the same provisions as apply to the appointment of members of that committee other than the chairman.

(2) Where a member of a discipline committee, other than the chairman, is absent a deputy appointed according to the same provisions as that member may act in his place.

4.—(1) The chairman of a discipline committee shall be a solicitor or barrister appointed by the Health Authority.

(2) The Health Authority shall, within 14 days of making an appointment under sub-paragraph (1), give notice in writing of the appointment to the other members of the discipline committee.

(3) Where, within 14 days of notice being sent under sub-paragraph (1), a statement duly signed in accordance with sub-paragraph (4) is sent to the Health Authority asserting that the chairman appointed by the Health Authority is not acceptable to the signatories of the statement, the Health Authority shall within 28 days of receipt of that statement refer the matter of the appointment to the Secretary of State.

(4) For the purposes of sub-paragraph (3) a statement must be signed—

- (a) in the case of a discipline committee other than a joint discipline committee, by a majority of its lay members, or by a majority of its other members;
- (b) in the case of a joint discipline committee, by both of its lay members or by both of the members appointed by any one of the discipline committees.

(5) Where the matter of the appointment is referred to the Secretary of State under sub-paragraph (3), he may, after consultation with the Health Authority and the relevant local representative committee, appoint another person to be chairman of the discipline committee, and the chairman appointed by the Health Authority shall cease immediately to hold office as chairman and member of that committee.

(6) A person appointed as chairman of a discipline committee who is already a member of that discipline committee shall, on his appointment as chairman, cease to be a member otherwise than in his capacity as chairman and a new member shall be appointed to take his place.

5.—(1) A person shall be appointed to act as deputy for the chairman of any discipline committee and the provisions of paragraph 4 shall apply to that appointment as they apply to the appointment of the chairman.

(2) The deputy chairman may, in the absence of the chairman, act in his place and may, if when appointed he was already a member of the committee, continue as a member but when acting as chairman shall act only in that capacity.

6.—(1) Subject to the other provisions of this Schedule, a Health Authority may make standing orders with respect to the term of office of any members and deputy members of any discipline committee.

(2) Subject to any re-appointment, the term of office of any member or deputy member of such a committee shall not exceed one year.

(3) A chairman of a discipline committee may attend and take part in any proceedings of the appropriate Health Authority at which a report of that committee is being considered, but may not vote.

7. A person who is a member of a discipline committee constituted under this Schedule shall cease to hold office—

- (a) where he is the chairman or a lay member, on his ceasing to be a lay person;
- (b) where he is a member not mentioned in sub-paragraph (a), on his ceasing to be a professional person.

8. In this Schedule—

- (a) “lay member” means, in relation to a discipline committee or joint discipline committee, any member (other than the chairman) who is a lay person;
- (b) “lay person” means a person who is not and never has been—
 - (i) a doctor, a dentist, an ophthalmic medical practitioner, an optician or a chemist,
 - (ii) a registered dispensing optician within the meaning of the Opticians Act⁽¹⁾,
 - (iii) a registered nurse, a registered midwife or a registered health visitor⁽²⁾, nor
 - (iv) an officer of, or otherwise employed by, any Health Authority or a Community Health Council established under section 20 of the Act⁽³⁾;
- (c) “professional person” means—
 - (i) in the case of a medical discipline committee, a doctor,
 - (ii) in the case of a dental discipline committee, a dentist,
 - (iii) in the case of a pharmaceutical discipline committee, a pharmacist,
 - (iv) in the case of an ophthalmic discipline committee, an ophthalmic medical practitioner or optician,
 - (v) in the case of a joint discipline committee, a member appointed by a discipline committee;
- (d) references to a “Health Authority” include references to a Health Authority which has jointly appointed a discipline committee in accordance with regulation 3(3); and
- (e) where three or more Health Authorities have jointly appointed a discipline committee in accordance with regulation 3(3) references to the “relevant local representative committee” include references to any of the relevant local representative committees for the areas of those three or more Health Authorities.”.

⁽¹⁾ 1989 c. 44.

⁽²⁾ see section 10(7) of the Nurses, Midwives and Health Visitors Act 1979 (c. 53).

⁽³⁾ Section 20 was amended by paragraph 40 of Schedule 1 to the Health Service Act 1980 (c. 53).