

**EXPLANATORY MEMORANDUM TO THE
NATIONAL HEALTH SERVICE (STANDING ADVISORY COMMITTEES)
AMENDMENT ORDER 2005**

2005 No. 1100

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order abolishes the Standing Medical Advisory Committee, the Standing Nursing and Midwifery Advisory Committee and the Standing Pharmaceutical Advisory Committee, and makes amendments to the National Health Service (Standing Advisory Committees) Order 1981 (S.I. 1981/597).
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 Under the National Health Service (Standing Advisory Committees) Order 1981 (S.I. 1981/597), which was made under section 6(3) of the National Health Service Act 1977, the following Standing Advisory Committees were to continue to be constituted for the purpose of advising the Secretary of State on the services specified—

The Standing Medical Advisory Committee: medical services

The Standing Dental Advisory Committee: dental services

The Standing Pharmaceutical Advisory Committee:
pharmaceutical services including hospital pharmaceutical services

The Standing Nursing and Midwifery Advisory Committee:
nursing and midwifery services
 - 4.2 The above Committees had been previously constituted by Orders made under the National Health Service Act 1946.
 - 4.3 In addition, the 1981 Order constituted the Standing Advisory Committee on Vaccination and Immunisation, for the purpose of advising the Secretary of State

on the provision of vaccination and immunisation services being facilities for the prevention of illness.

4.4 The 1981 Order extends to England and Wales. The functions in section 6 of the 1977 Act (under which the 1981 Order was made) were, upon devolution, transferred to the Assembly by the Transfer of Functions Order.

4.5 The Committees to be abolished were established before devolution and are to be treated as cross-border bodies for the purposes of Article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999. The Secretary of State is therefore able to abolish those Committees under “concurrent” powers, i.e. by an Order made by him alone, in relation to both England and Wales.

5. **Extent**

5.1 This instrument applies to England and Wales.

6. **European Convention on Human Rights**

The Minister of State has made the following statement regarding Human Rights:

In my view the provisions of the National Health Service (Standing Advisory Committees) Amendment Order 2005 are compatible with the Convention rights.

7. **Policy background**

7.1 Five committees established under the 1946 Act remain:

the Standing Medical Advisory Committee (SMAC)
the Standing Nursing and Midwifery Advisory Committee (SNMAC)
the Standing Pharmaceutical Advisory Committee (SPAC)
the Standing Dental Advisory Committee
the Standing Advisory Committee on Vaccination and Immunisation (now known as the Joint Committee for Vaccination and Immunisation Services).

7.2 In line with Cabinet Office Guidance for Advisory Non-Departmental Public Bodies a review of SMAC and SNMAC was initiated by the Chief Medical Officers and Chief Nursing Officers (England and Wales) and agreed by Department of Health Ministers and the Minister for Health and Social Services, National Assembly for Wales.

7.3 The Independent Review concluded that the need for the advisory mechanism provided by SMAC and SNMAC had passed and was no evidence that professional advice to Ministers would be lost if they were abolished. The

Review established there were many existing and emerging mechanisms offering collective professional advice.

- 7.4 In addition, the Review found there to be no reason why the advice currently provided by SMAC and SNMAC could not be sought on an 'ad-hoc' basis through consultation with the NHS, the voluntary and professional sectors.
- 7.5 This is in line with Cabinet Office Guidance and Government objectives to reduce the number of NDPBs. Ministers accepted the recommendations of review and agreed that SMAC and SNMAC be abolished.
- 7.6 Ministers also agreed to the abolition of SPAC in light of the conclusions of the independent review of SMAC and SNMAC.

8. **Impact**

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies
- 8.2 There is no impact on the public sector.

9. **Contact**

Dr Jennie Carpenter at the Department of Health, Telephone: 0113 2545934 or email: jennie.carpenter@dh.gsi.gov.uk can answer any queries regarding the instrument.