

2005 No. 2788

MEDICINES

The Medicines (Advisory Bodies) (Terms of Office of Members) Regulations 2005

<i>Made</i> - - - -	<i>10th October 2005</i>
<i>Laid before Parliament</i>	<i>10th October 2005</i>
<i>Coming into force</i> - -	<i>30th October 2005</i>

The Secretary of State, the Department of Health, Social Services and Public Safety and the Department of Agriculture and Rural Development, acting jointly, make the following Regulations in exercise of the powers conferred on them by paragraph 6 of Schedule 1A to the Medicines Act 1968(a) or, as the case may be, the powers conferred by those provisions and now vested in them(b).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Medicines (Advisory Bodies) (Terms of Office of Members) Regulations 2005 and shall come into force on 30th October 2005.

(2) In these Regulations, “Standing Expert Advisory Group” means—

- (a) the Biologicals Expert Advisory Group;
- (b) the Chemistry, Pharmacy and Standards Expert Advisory Group; and
- (c) the Pharmacovigilance Expert Advisory Group(c).

Members of Advisory Bodies

2.—(1) Subject to paragraphs (2) and (3), a member of an Advisory Body shall hold and vacate office in accordance with the terms of the instrument by which he is appointed.

(2) A member’s term of office shall not exceed four years.

(3) A member may resign office at any time by notice in writing to the Ministers.

(a) 1968 c.67. Schedule 1A to the Act was inserted by regulation 7 of the Medicines (Advisory Bodies) Regulations 2005 (S.I. 2005/1094), which came into force on 31st May 2005 for the purposes of making regulations under paragraph 6 of Schedule 1A. The expression “the Ministers”, which is relevant to the powers being exercised in the making of these Regulations, is defined in section 1 of that Act as amended by article 2(2) of, and Schedule 1 to, S.I. 1969/388, by articles 2(1) and 5 of, and the Schedule to, S.I. 1999/3142, and by article 5(1) of, and paragraph 15 of Schedule 1 to, S.I. 2002/794.

(b) In the case of the Secretary of State, by virtue of article 2(2) of, and Schedule 1 to, S.I. 1969/388, articles 2(1) of, and paragraph 1 of the Schedule to, S.I. 1999/3142, and articles 3(1)(c) and (7) of, and paragraph 15 of Schedule 1 to, S.I. 2002/794; in the case of the Northern Ireland Departments, the powers vested in the Ministers in charge of those Departments by virtue of section 95(5) of, and paragraph 10 of Schedule 12 to, the Northern Ireland Act 1998 (c.47) may now be exercised by the Departments by virtue of section 1(8) of, and paragraph 4(1)(b) of the Schedule to, the Northern Ireland Act 2000 (c.1); the Departments were renamed by virtue of article 3(4) and (6) of S.I. 1999/283 (N.I.1).

(c) See paragraph 4(1)(a) to (c) of Schedule 1A to the Act.

(4) Subject to paragraph (5), where a person ceases to be a member of an Advisory Body, he shall also cease to be a member of any Expert Advisory Group appointed by that Advisory Body (including any Group appointed jointly with another Advisory Body).

(5) Paragraph (4) shall not apply—

- (a) where the person was a member of the Advisory Body only by virtue of being co-opted under paragraph 2 of Schedule 1A to the Medicines Act 1968; or
- (b) where the person is immediately re-appointed to the Advisory Body.

Chairmen of Advisory Bodies

3.—(1) A chairman of an Advisory Body shall hold and vacate office as chairman in accordance with the terms of the instrument by which he is appointed as chairman.

(2) A chairman's term of office shall not exceed the remainder of his term as a member of the Advisory Body.

(3) A chairman may at any time resign from the office of chairman by notice in writing to the Ministers.

Chairmen of Standing Expert Advisory Groups

4.—(1) A chairman of a Standing Expert Advisory Group—

- (a) shall hold and vacate office as chairman in accordance with the terms of the instrument by which he is appointed; and
- (b) may at any time resign from the office of chairman by notice in writing to the Ministers.

(2) The term of office of a chairman of a Standing Expert Advisory Group shall not exceed four years.

(3) Where a person ceases to be the chairman of a Standing Expert Advisory Group, and is not immediately re-appointed as chairman, he shall cease to be a member of—

- (a) the Commission, and
- (b) that Group.

Members of Expert Advisory Groups

5.—(1) This regulation does not apply to a member of a Standing Expert Advisory Group if he is also chairman of that Group.

(2) A member of an Expert Advisory Group shall hold and vacate office in accordance with such terms as may be specified in writing upon his appointment by the Advisory Body or Bodies appointing him.

(3) A member's term of office shall not exceed four years.

(4) A member of an Expert Advisory Group may resign office at any time by notice in writing to the Advisory Body or Bodies which appointed that Group.

Chairmen of Expert Advisory Groups

6.—(1) This regulation does not apply to chairmen of Standing Expert Advisory Groups.

(2) A chairman of an Expert Advisory Group shall hold and vacate office as chairman in accordance with such terms as may be specified in writing upon his appointment by the Advisory Body or Bodies appointing him.

(3) A chairman's term of office shall not exceed the remainder of his term as a member of the Expert Advisory Group.

(4) A chairman of an Expert Advisory Group may at any time resign from the office of chairman by notice in writing to the Advisory Body or Bodies which appointed that Group.

Signed by authority of the Secretary of State for Health

4th October 2005

Warner
Minister of State,
Department of Health

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety

10th October 2005

A. McCormick
Permanent Secretary,
Department of Health, Social Services and Public Safety

Sealed with the Official Seal of the Department of Agriculture and Rural Development

7th October 2005

Pat Toal
Permanent Secretary,
Department of Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the terms on which chairmen and members of the Advisory Bodies (the Commission for Human Medicines to be established under section 2A of the Medicines Act 1968, or a committee established under section 4 of the Act) and their sub-committees (known as Expert Advisory Groups) hold and vacate office.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

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