STATUTORY RULES OF NORTHERN IRELAND

2009 No. 395

HEALTH AND SOCIAL CARE

The Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009

Made - - - -	*27th November 2009*
Coming into operation	*22nd December 2009*

The Department of Health, Social Services and Public Safety makes the following regulations in exercise of the powers conferred by section 9(6) of the Health and Social Care (Reform) Act (Northern Ireland) 2009(**1**).

In accordance with section 9(7) of that Act it has consulted with the Regional Board.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Local Commissioning Groups (Membership) Regulations (Northern Ireland) 2009 and shall come into operation on 22nd December 2009.

(2) In these regulations—

"area of the Local Commissioning Group" means such area as prescribed under section 9(2) of the Act for that Local Commissioning Group;

"the Act" means the Health and Social Care (Reform) Act (Northern Ireland) 2009;

"bankruptcy restrictions order" means an order made under Schedule 2A of the Insolvency (Northern Ireland) Order 1989(**2**);

"charity trustee" means one of the persons having the general control and management of the administration of a charity;

"dental practitioner" means a person registered in the dentists' register under the Dentists Act 1984(**3**);

"general medical practitioner" means a person whose name is included on a Primary Medical Services Performers List prepared pursuant to regulation 4 of the Health and Personal Social Services (Primary Medical Services Performers Lists) Regulations (Northern Ireland) 2004(**4**);

"health service body" means—

(**1**) 2009 c.1 (N.I.)
(**2**) S.I. 1989/2405 (N.I. 19) The relevant amending instrument is S.I. 2005/1455 (N.I. 10)
(**3**) 1984 c.24
(**4**) S.R. 2004 No. 149

(a) any of the following within the meaning of the National Health Service Act 2006(**5**)–

(i) a Strategic Health Authority;

(ii) a Special Health Authority;

(iii) a Primary Care Trust;

(iv) an NHS Trust;

(v) a Local Health Board;

(b) any of the following within the meaning of the National Health Service (Scotland) Act 1978(**6**)–

(i) a Health Board;

(ii) a Special Health Board;

(iii) the Common Services Agency for the Scottish Health Service;

(iv) the Scottish Dental Practice Board;

(c) the Wales Centre for Health established under section 2 of the Health (Wales) Act 2003(**7**);

(d) the Health Protection Agency established under section 1 of the Health Protection Agency Act 2004(**8**);

(e) the Care Quality Commission established under section 1 of the Health and Social Care Act 2008(**9**);

"nurse" means a person whose name is included in the register maintained under article 5 of the Nursing and Midwifery Order 2001(**10**);

"social worker" means a person whose name is included in a register maintained by the Northern Ireland Social Care Council under section 3(1)(a) of the Health and Personal Social Services Act (Northern Ireland) 2001(**11**);

"trustee for a charity" is a person not being a charity trustee, in whom legal title to the property of the charity is vested.

Membership of Local Commissioning Groups

2.—(1) The prescribed number of persons appointed to each Local Commissioning Group shall be 17.

(2) The persons appointed to each Local Commissioning Group shall be—

(a) four general medical practitioners;

(b) four members of district councils;

(c) two representatives from voluntary organisations with an interest in health and social care;

(d) two social workers;

(e) one dental practitioner;

(f) one pharmacist;

(**5**) 2006 c.41
(**6**) 1978 c.29 section 2 was amended by paragraph 1 of Schedule 7 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41) and by section 28 of the National Health Service and Community Care Act 1990 (c.19); section 10 was amended by paragraph 2 of Schedule 6 to the Health Services Act 1980 (c.53)
(**7**) 2003 c.4
(**8**) 2004 c.17
(**9**) 2008 c.14
(**10**) S.I. 2002/253
(**11**) 2001 c.3 (N.I.)

(g) one nurse;

(h) one person who is registered as a public health medicine specialist on the Specialist Register maintained by the General Medical Council under article 13 of the General Specialist Medical Practice (Education, Training and Qualifications) Order 2003(**12**); and

(i) a chiropodist/podiatrist, dietician, occupational therapist, orthoptist, physiotherapist, radiographer or speech and language therapist registered under the Health Professions Order 2001(**13**).

(3) The persons appointed under paragraph (2)(a) and (e) must practise within the area of the Local Commissioning Group.

(4) The persons appointed under paragraph (2)(b) must be members of district councils within the area of the Local Commissioning Group.

(5) The persons appointed under paragraph (2)(c) must be from voluntary organisations with an interest in health and social care within the area of the Local Commissioning Group.

(6) The person appointed under paragraph (2)(d), (g), (h) and (i) must be employees of the Regional Board or Regional Agency.

(7) The person appointed under paragraph (2)(f) must provide pharmaceutical services within the area of the Local Commissioning Group.

Term of office

3.—(1) The term of office of members of a Local Commissioning Group shall be 4 years or such other period as may be determined by the Regional Board at the time the appointments are made.

(2) Subject to regulation 4, a member of a Local Commissioning Group specified in regulation 2(2)(a), (b), (c), (e) or (f) may, on the termination of the term of office, be eligible for re-appointment for such further period, not exceeding 4 years as the Regional Board may in any particular case determine.

(3) The Regional Board may instead of re-appointing a member of a Local Commissioning Group specified in regulation 2(2)(a), (b), (c), (e) or (f) on the expiration of his term of office, extend his appointment for such further period as may appear reasonable in the particular circumstances; but the period by which an appointment is extended must not exceed 4 years.

(4) A general medical practitioner or a dental practitioner who ceases to practise within the area of the Local Commissioning Group shall cease to be a member of the Local Commissioning Group.

(5) A district councillor who ceases to be a member of a district council within the area of the Local Commissioning Group shall cease to be a member of the Local Commissioning Group.

(6) A person who ceases to be a representative from a voluntary organisation with an interest in health and social care within the area of the Local Commissioning Group shall cease to be a member of the Local Commissioning Group.

(7) A pharmacist who ceases to provide pharmaceutical services within the area of the Local Commissioning Group shall cease to be a member of the Local Commissioning Group.

(8) A person appointed under paragraph (2)(d), (g), (h) or (i) who is suspended from employment with the Regional Board or Regional Agency shall be suspended from membership of the Local Commissioning Group while suspended from that employment.

(9) A person appointed under paragraph (2)(d), (g), (h) or (i) who ceases to be an employee of the Regional Board or Regional Agency shall cease to be a member of the Local Commissioning Group.

(**12**) S.I. 2003/1250
(**13**) S.I. 2002/254