6. All property and liabilities held by a dissolved authority, other than the governing body of a voluntary hospital, or to which such an authority is subject immediately before the appointed day, and for the transfer and vesting of which no other provision is made by the Act or by regulations made under the Act, shall be dealt with under section 122 (2) of the Local Government (Scotland) Act, 1947.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.
30th June, 1948.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations provide for the winding up of the affairs of certain combinations of local authorities and of governing bodies of voluntary hospitals which are dissolved as from the appointed day under the provisions of section 76 of the National Health Service (Scotland) Act, 1947.

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6. DRUG ACCOUNTS COMMITTEE

The National Health Service (Drug Accounts Committee) (Scotland) Order, 1948

1948 No. 1596 (S. 141)

Made - - - -	30*th June*, 1948
Coming into Operation	30*th June*, 1948

Whereas it appears to me to be expedient in the interests of the efficiency of the Services provided under Part IV of the National Health Service (Scotland) Act, 1947(a), that a joint committee should be established for the areas of all the Executive Councils of Scotland for the purpose of exercising the functions of Executive Councils which are hereinafter mentioned:

Now, therefore, in exercise of the powers conferred on me by section 32 of the said Act I hereby make the following Order:—

1. This Order may be cited as the National Health Service (Drug Accounts Committee) (Scotland) Order, 1948, and shall come into operation on the date hereof. Short title and commencement.

(a) 10 & 11 Geo. 6. c. 27.

Interpretation.

2.—(1) In this Order, unless the context otherwise requires:—

" the Act " means the National Health Service (Scotland) Act, 1947(a);

" Council " means an Executive Council constituted in terms of section 32 of, and the Sixth Schedule to, the Act.

(2) The Interpretation Act, 1889(b), applies to the interpretation of this Order as it applies to the interpretation of an Act of Parliament.

Constitution, functions and membership of Committee.

3.—(1) A joint committee to be known as " the Drug Accounts Committee " (hereinafter referred to as " the Committee ") shall be constituted for the areas of all the Councils of Scotland for the purpose of exercising the functions of the Councils in regard to the examination, checking and pricing of prescriptions for drugs, medicines and appliances supplied under the arrangements made by those Councils for the provision of pharmaceutical services.

(2) The Committee shall consist of fifteen members as follows:—

(*a*) ten members (hereinafter referred to as " Executive Council members ") shall be members of Councils, not being medical or dental practitioners or pharmacists;

(*b*) two members (hereinafter referred to as " medical practitioner members ") shall be registered medical practitioners;

(*c*) two members (hereinafter referred to as " pharmacist members ") shall be registered pharmacists;

(*d*) one member (hereinafter referred to as " the dental practitioner member ") shall be a registered dental practitioner.

Appointment and election of members.

4. Subject as hereinafter provided, the members of the Committee shall be appointed in the following manner:—

(*a*) Two of the Executive Council members shall be appointed by the Council for the City of Glasgow, one by the Council for the City of Edinburgh and one by the Council for the County of Lanark; and the clerks to these Councils shall respectively intimate to the Secretary of State and to the clerk to the Committee the names and addresses of the persons so appointed as soon as possible after the appointments have been made.

(*b*) The remaining six of the Executive Council members shall be elected in accordance with the following provisions—

(i) The clerk to the Committee shall be the returning officer, and he shall appoint a person to act in his place in the event of his absence or inability to act and shall forthwith intimate such appointment to the Secretary of State (the person acting as returning officer, whether the principal or a substitute, being in this Order referred to as " the returning officer ");

(ii) The electors shall be the Councils other than the Councils for the Cities of Glasgow and Edinburgh and the County of Lanark and shall be formed into electoral divisions as set forth in the Schedule to this Order. Electoral Division 4 shall elect two members and each of the other electoral divisions shall elect one member.

(iii) Each Council shall be entitled to nominate one candidate for the electoral division to which the Council belongs, such candidate being a member of a Council in the division; and the

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63.

returning officer shall issue to each Council a nomination paper which shall be in such form as the Secretary of State may determine.

(iv) Every candidate for election shall be nominated by a Council in writing on a nomination paper issued as aforesaid, and the nomination shall state the full name and address of the candidate and the name of the Council of which he is a member, and shall be signed by the chairman or clerk of the nominating Council and by the candidate, and shall be despatched by post so as to be delivered at the office of the returning officer not later than twelve noon on a day to be fixed by him.

(v) If only one duly qualified candidate has been nominated for any vacancy, the returning officer shall declare such candidate to be elected; and if more than one duly qualified candidate is nominated for any vacancy, a poll shall be taken in the manner hereinafter provided.

(vi) Where a poll is required to be taken, each Council entitled to vote shall have one vote, which shall be of the value set opposite the name of the Council in the Schedule to this Order.

(vii) The returning officer shall, as soon as may be, despatch by post to the clerk of each Council entitled to vote a voting paper which shall be in such form as the Secretary of State may determine; and if the Council desire to vote, the voting paper shall be marked in accordance with the instructions set forth thereon, and shall be signed on behalf of the Council by the chairman or clerk thereof, and despatched by post so as to be delivered at the office of the returning officer not later than twelve noon on a day stated on the voting paper, which shall be a day at least seven days subsequent to the despatch of the voting paper.

(viii) The returning officer shall examine the voting papers and after rejecting any that are invalid shall count the votes recorded on the remaining papers and the values thereof, and shall prepare in respect of each electoral division a list of the candidates showing the value of the votes each has received, and the candidate receiving the highest total value of votes (or in the case of Electoral Division 4 the two candidates receiving respectively the highest and next highest total value of votes) shall be considered to have been elected.

(ix) If in a poll taken as aforesaid the total values of votes received by any two or more candidates for a vacancy are equal and an additional vote of the value of one to one of the said candidates would enable that candidate to be elected, a further poll shall be taken forthwith in accordance with the provisions of this paragraph, save that the candidates shall be restricted to those candidates the values of whose votes were equal; and if in such further poll the total values of votes received by any two or more candidates are equal, the returning officer shall decide by lot which of the candidates shall be considered the elected member.

(x) The returning officer shall intimate in writing the result of the election to the persons nominated, to each of the Councils in the electoral division, and to the Secretary of State.

(xi) Where in consequence of no duly qualified candidate having been nominated or otherwise no member has been elected for any vacancy, a new election shall be held forthwith in the electoral division concerned in accordance with the provisions of this Order, and where notwithstanding such new election no member has been elected, the Secretary of State may appoint as a member of the Committee any member of any Council in such division.

(*c*) The medical practitioner members, the pharmacist members and the dental practitioner member shall be appointed by such organisations as the Secretary of State may recognise as representative of the general body of persons providing general medical services, pharmaceutical services and general dental services respectively.

Chairman and vice-chairman.

5.—(1) The Committee shall appoint a member of the Committee to be chairman and may appoint another to be vice-chairman. The chairman and the vice-chairman shall, so long as they remain members of the Committee, hold office for such period as the Committee may decide.

(2) The clerk of the Committee shall inform the Secretary of State of the name and address of the chairman.

Term of office of members.

6. Subject as hereinafter provided the members of the Committee first appointed under article 4 of this Order shall hold office until the 31st day of March, 1951, and thereafter the term of office shall be for three years: Provided that at the expiration of his term of office a member shall be eligible for reappointment.

Resignation or removal of members.

7. (i) A member of the Committee who desires to resign his membership shall give written intimation of his resignation to the clerk of the Committee.

(ii) If a member of the Committee has not attended any meeting of the Committee for a period of six months the clerk of the Committee shall inform the Committee and unless the Committee are satisfied that his absence was due to illness or other reasonable cause, they shall declare that his seat on the Committee has become vacant.

Vacation of office.

8. If an Executive Council member ceases to be a member of a Council he shall also cease to be a member of the Committee.

Casual vacancies.

9.—(1) If a casual vacancy occurs by reason of the death, resignation, removal or vacation of office of a member of the Committee the clerk of the Committee shall forthwith inform the Secretary of State.

(2) A casual vacancy shall be filled by the appointment of a person in the same manner as the person whose place has become vacant.

(3) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of office of the person in whose place he is appointed.

Procedure.

10.—(1) The provisions of regulations 9 (officers), 10 (committees), 11 (meetings), 12 (minutes) and 13 (power to make standing orders) of the National Health Service (Executive Councils) (Scotland) Regulations, 1947(**a**), shall apply for the purposes of this Order as if for any reference therein to a Council there were substituted a reference to the Committee and as if for any reference to a committee of a Council there were substituted a reference to a sub-committee.

(2) The proceedings of the Committee shall not be invalidated by any vacancy in the membership of the Committee or by any defect in the appointment or qualification of any member thereof.

Reports by Committee.

11. The Committee shall make reports to the Councils at such times and in such manner as they or the Secretary of State may require and shall furnish to the Secretary of State such information as he may from time to time require.

Expenses.

12. Any expenses incurred by the Committee shall be defrayed by the Councils of Scotland in such proportions as the Secretary of State may determine.

Accounts.

13. The provisions of regulations 4 (advances of funds by the Secretary of State), 5 (banking accounts), 6 (financial officer), 7 (receipt of moneys) and 8 (payment of moneys) of the National Health Service (Finance of Executive Councils and Scottish Dental Estimates Board) (Scotland) Regulations, 1948(**b**), shall apply to the Committee in the same way as they apply to Councils, with the following modifications:—

(1) the word "Committee" shall be substituted for the word "Council";

(2) references to the finance committee shall be construed as references to the finance sub-committee; and

(3) references to the Ophthalmic Services Committee shall be omitted.

Annual and supplementary estimates.

14.—(1) It shall be the duty of the financial officer to prepare and submit to the Committee not later than the 30th day of September of each year an estimate (hereinafter referred to as "the annual estimate") of the administration expenses of the Committee during the next financial year.

(2) If at any time it appears to be necessary to make additional payments for which provision has not been included in the annual estimate the financial officer shall, as soon as may be, prepare and submit to the Committee an estimate (hereinafter referred to as "a supplementary estimate") of such additional payments.

(3) The Committee shall consider the annual and any supplementary estimate submitted to them by the financial officer and subject to such amendments therein, if any, as they may think fit to make, shall adopt such estimates as estimates of the Committee and shall transmit them to the Secretary of State in a form approved by him, in the case of the annual estimate not later than the 15th day of October prior to the commencement of the financial year, and in the case of a supplementary estimate within fourteen days of its adoption by the Committee; and where the Secretary of State decides to approve such estimate his

(**a**) S.R. & O. 1947 (No. 2504) I, p. 1335.
(**b**) S.I. 1948 No. 1494, p. 2328 below.

approval shall be given by an endorsement thereon, setting out or referring to any conditions or requirements subject to which such approval is granted.

(4) No expenses shall be incurred by or on behalf of the Committee unless provision for such expenses has been included in the annual or supplementary estimates of the Committee.

15.—(1) The Committee shall record their transactions in such books and accounts as may from time to time be approved by the Secretary of State.

(2) The accounts of the Committee shall be posted from time to time and made up and balanced at the end of the financial year. As soon as may be after the close of the financial year and in any case not later than the 30th day of April the financial officer shall prepare a statement in a form to be approved by the Secretary of State and shall certify the same to be correct. He shall submit the statement to the Committee for their approval and adoption, which shall be signified by the signature of the chairman thereon, and to the auditor.

(3) The provisions of paragraphs (3) and (5) of regulation 9 of the National Health Service (Finance of Executive Councils and Scottish Dental Estimates Board) (Scotland) Regulations, 1948, with the substitution of the word " Committee " for the word " Council ", shall apply to the Committee.

Audit.

16. The Committee shall prepare and transmit to the Secretary of State in respect of each financial year annual accounts in such form as the Secretary of State may direct and such accounts shall be audited by an auditor appointed by the Secretary of State.

Payment of expenses of members.

17. The Committee may make to their members, or the members of any sub-committee appointed by them, payments in respect of loss of remunerative time, and in respect of travelling and subsistence expenses, in accordance with the rates prescribed under, and as though the Committee were a Council for the purposes of, paragraph 4 (*c*) of the Sixth Schedule to the Act.

First appointment of members.

18. Notwithstanding the provisions of article 4 of this Order the first members of the Committee, instead of being appointed and elected as provided therein, shall be appointed by the Secretary of State after consultation, in the case of the Executive Council members, with any association of Executive Councils whose objects are approved by him, and in the case of the other members with such organisations as are referred to in the article. The members so appointed shall hold office only until appointments have been made and elections held in terms of that article, but they shall be eligible for appointment or nomination under the article.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th June, 1948.

SCHEDULE

Executive Councils	*Value of Votes*
Electoral Division 1	
Zetland	1
Orkney	1
Caithness	1
Sutherland	1
Ross and Cromarty	2
Inverness	2
Banff, Moray and Nairn	3
Argyll and Bute	2
Electoral Division 2	
City of Aberdeen	2
Aberdeen and Kincardine	2
Perth and Kinross	1
Electoral Division 3	
City of Dundee	2
Angus	1
Fife	3
Electoral Division 4	
Renfrew	4
Dunbarton	2
Ayr	4
Stirling and Clackmannan	3
Electoral Division 5	
Lothians and Peebles	2
Roxburgh, Berwick and Selkirk	1
Kirkcudbright and Wigtown	1
Dumfries	1

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

The Order provides for the constitution of a joint committee to carry out the duties of the Executive Councils of Scotland with respect to the checking and pricing of the prescriptions for drugs, medicines and appliances supplied as pharmaceutical services under section 40 of the National Health Service (Scotland) Act, 1947, and for the procedure of the committee.