

## **The formal establishment of an LMC**

In order to function and raise the funds necessary for its operation from its constituents, an LMC, under paragraph 12(4) of the NHS and Community Care Act 1990, must obtain formal recognition by the FHSA. This involves submitting its proposed constitution to the FHSA. If the authority is satisfied that the committee will be properly representative of the doctors concerned (this has both numerical and geographical implications) it will be recognised.

To assist LMCs in drafting their constitutions, the Department had produced a model constitution which was included in circular HSG (91) 14, Recognising Local Representative Committees, issued on 23 October 1991. The model does not preclude local variations, and several of these have been approved. If an LMC decides to alter its constitution, the amendment should (if prepared in accordance with that part of the constitution dealing with amendments) be submitted to the FHSA for approval to ensure that the committee continues to be recognised as the LMC. When a committee is recognised by the FHSA as representative of the general practitioners in an area it becomes the Local Medical Committee and thereby acquires certain statutory functions which it is required to perform.

The statutory recognition of the LMC has many parallels in other parts of the public sector. The legislation enacted during the 1940s to bring public utilities and major industries into state ownership made explicit provision for the recognition of trade unions and professional associations for the purposes of negotiation and consultation. A notable feature of the statutory recognition accorded to LMCs is that it was granted almost 40 years earlier by the National Health Insurance Act 1911. Indeed, it is the earliest example of statutory recognition being accorded to an organisation which is representative of those who work in a publicly funded service.

The statutory recognition and functions of the LMCs are presently defined in Sections 44 and 45 of the National Health Service Act 1977 (as amended by Schedules 3 and 5 of the Health and Social Security Act 1984). These were originally defined in the National Health Act 1946; the 1977 Act consolidated and the 1984 Act amended these provisions. They were further amended by the NHS and Community Care Act 1990 (Section 12(4)).