
 STATUTORY INSTRUMENTS

1982 No. 287

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service Functions (Directions to Authorities
and Administration Arrangements) Regulations 1982**

<i>Made</i>	- - - -	3rd March 1982
<i>Laid before Parliament</i>		10th March 1982
<i>Coming into Operation</i>		1st April 1982

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred by sections 13, 14, 15(1)(b), 16, 17 and 18 of the National Health Service Act 1977(a), section 2(4)(b) of the Health Services Act 1980(b) and of all other powers enabling them in that behalf, hereby make the following regulations:—

PART I

GENERAL

Citation and commencement

1. These regulations may be cited as the National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1982 and shall come into operation on 1st April 1982.

Interpretation

2.—(1) In these regulations unless the context otherwise requires—

“the Act” means the National Health Service Act 1977;

“Committee” means a Family Practitioner Committee;

“District Authority” means a District Health Authority and includes District Health Authorities acting jointly;

“Regional Authority” means a Regional Health Authority;

“relevant Regional Authority” in relation to any District Authority means the Regional Authority of which the region includes the district of that District Authority.

(a) 1977 c. 49; sections 13, 14, 15, 16, 17 and 18 were amended by section 1 of and paragraphs 33, 34, 35, 36, 37 and 38 respectively of Schedule 1 to the Health Services Act 1980 (c. 53); section 15 was amended by paragraph 90 of Schedule 1 to the Health Services Act 1980; section 17 was amended by paragraph 91 of Schedule 1 to the Health Services Act 1980; section 18 was amended by paragraph 92 of Schedule 1 to the Health Services Act 1980.

(b) 1980 c.53.

(2) Unless the context otherwise requires, any reference in these regulations to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

PART II

DIRECTIONS TO REGIONAL AUTHORITIES

Functions exercisable by Regional Authorities

3. Subject to regulation 4 and in accordance with such directions as the Secretary of State may give under the Act, a Regional Authority as respects its region and anywhere outside its region as the Secretary of State may direct shall exercise on behalf of the Secretary of State his functions relating to the health service under—

- (a) section 28(2) of the Mental Health Act 1959(a), with respect to the approval of medical practitioners as having special experience in the diagnosis and treatment of mental disorder;
- (b) section 17 of the Chronically Sick and Disabled Persons Act 1970(b), with respect to securing as far as practicable that hospital in-patients who are not themselves elderly but are suffering from a condition of chronic illness or disability are not cared for in any part of a hospital normally used wholly or mainly for the care of elderly persons and with respect to providing the Secretary of State with information about those inappropriately accommodated;
- (c) the following provisions of the Health Services and Public Health Act 1968(c) and any regulations made thereunder—
 - (i) section 63(1), (3), (5) and (6)(d), with respect to provision for the instruction of officers of health authorities and other persons employed or contemplating employment by health authorities or in authorities connected with health or welfare;
 - (ii) section 64(e) with respect to giving financial assistance to voluntary organisations;

(a) 1959 c.72; section 28(2) was amended by section 57 of and paragraph 86 of Schedule 4 to the National Health Service Reorganisation Act 1973 (c. 32); *see also* paragraph 13(b) of Schedule 14 to the National Health Service Act 1977.

(b) 1970 c.44; section 17(1) was amended by section 57 of and paragraph 132 of Schedule 4 to the National Health Service Reorganisation Act 1973; *see also* paragraph 13(b) of Schedule 14 to the National Health Service Act 1977.

(c) 1968 c.46.

(d) The relevant parts of section 63 were amended by section 57 of and paragraph 124(1) and (2) of Schedule 4 to the National Health Service Reorganisation Act 1973 and section 1 of and paragraph 19(3) of Schedule 1 to the Health Services Act 1980; *see also* paragraph 13(b) of Schedule 14 to the National Health Service Act 1977.

(e) Section 64 was amended by section 108(1)(a) of and paragraph 46 of Schedule 3 to the Children Act 1975 (c. 72), by section 129 of and paragraph 46 of Schedule 15 to the National Health Service Act 1977, by section 89 of and paragraph 22 of Schedule 2 to the Domestic Proceedings and Magistrates Courts Act 1978 (c. 22) and by section 1 of and paragraph 19(4) of Schedule 1 to the Health Services Act 1980.

- (d) the following provisions of the Nursing Homes Act 1975^(a) relating to nursing homes and mental nursing homes and any regulations made thereunder—
- (i) section 3(3), with respect to the registration of nursing homes and mental nursing homes;
 - (ii) section 4(b), with respect to the refusal of registration;
 - (iii) section 5(1), with respect to the conduct of nursing homes;
 - (iv) section 6, with respect to miscellaneous registration provisions;
 - (v) section 7, with respect to the cancellation of registration;
 - (vi) section 8(2)(c), with respect to additional registration conditions for nursing homes and mental nursing homes;
 - (vii) section 8(2A)(c), with respect to the variation of registration conditions;
 - (viii) section 9(1), with respect to the authorisation of persons to inspect mental nursing homes;
 - (ix) section 11(1), with respect to proceedings in respect of an offence;
 - (x) section 18(1), with respect to the power to exempt Christian Science homes;
- (e) the following provisions of the Act and any regulations made thereunder—
- (i) section 2, with respect to the provision of services considered appropriate for the purpose of discharging any duty imposed by the Secretary of State by the Act and the doing of any other thing calculated to facilitate the discharge of any such duty;
 - (ii) section 3(1)(a) and (b), with respect to the provision of hospital accommodation and other accommodation for the purposes of any service provided under the Act;
 - (iii) section 3(1)(c), with respect to the provision of medical, dental, nursing and ambulance services;
 - (iv) section 3(1)(d), with respect to the provision of facilities for the care of expectant and nursing mothers and young children;
 - (v) section 3(1)(e), with respect to the provision of facilities for the prevention of illness, the care of persons suffering from illness and the aftercare of persons who have suffered from illness;
 - (vi) section 3(1)(f), with respect to the provision of such other services as are required for the diagnosis and treatment of illness;

^(a) 1975 c. 37.

^(b) Section 4 was amended by section 16 of and paragraph 3 of Schedule 4 to the Health Services Act 1980.

^(c) Section 8 was amended by section 16 of and paragraph 4 of Schedule 4 to the Health Services Act 1980.

- (vii) section 5(1)(a) and paragraph 1 of Schedule 1, with respect to the provision for the medical and dental inspection and treatment of pupils;
- (viii) section 5(1)(b), with respect to making arrangements for the giving of advice on contraception, for the medical examination of persons seeking such advice, for the treatment of such persons and for the supply of contraceptive substances and appliances;
- (ix) section 5(2)(d), with respect to making arrangements for the conduct of, or assistance by grants or otherwise to any person for the conduct of, research into any matters relating to the causation, prevention, diagnosis or treatment of illness, and into any such other matters connected with any service provided under the Act as is considered appropriate;
- (x) section 5(3), with respect to the payment of travelling expenses;
- (xi) section 19(1) and (2) and paragraphs 1, 2 and 3 of Schedule 6(a), with respect to the recognition of regional advisory committees;
- (xii) section 19(3)(b) and paragraphs 1, 2 and 3 of Schedule 6, with respect to the recognition of district advisory committees;
- (xiii) section 23(1), with respect to arranging with any person or body (including a voluntary organisation) for that person or body to provide or assist in providing any service under the Act;
- (xiv) section 23(2), with respect to making available to certain persons and bodies (including voluntary organisations) facilities and services of persons employed in connection with such facilities;
- (xv) section 23(3), with respect to the agreement of terms and the making of payments in respect of facilities or services provided under section 23 of the Act;
- (xvi) section 25, other than paragraphs (b) and (c), with respect to making available (on such terms including terms as to charges as thought fit) supplies of human blood;
- (xvii) section 26(1), with respect to the supply of goods, services and other facilities to local authorities and other public bodies and carrying out maintenance work in connection with any land or building the maintenance of which is a local authority responsibility;
- (xviii) section 26(2), with respect to the making available to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services such goods, materials or other facilities as may be prescribed;
- (xix) section 26(3), with respect to making available any services or other facilities and the services of employed persons to enable

(a) Paragraph 1 of Schedule 6 was amended by section 1 of and paragraph 81(1) of Schedule 1 to the Health Services Act 1980.

(b) Section 19(3) was amended by section 1 of and paragraph 34 of Schedule 1 to the Health Services Act 1980.

- local authorities to discharge their functions relating to social services, education and public health;
- (xx) section 26(4)(a), with respect to arranging to make available to local authorities the services of contractors to enable local authorities to discharge their functions relating to social services, education and public health;
 - (xxi) section 27(1) and (2), with respect to consultation before the services of any officer of a health authority are made available to a local authority;
 - (xxii) section 27(4), with respect to the agreement of terms and the making of charges in respect of services and facilities provided;
 - (xxiii) section 28(4), with respect to the agreement of charges to be made by a local authority for the services of persons employed by the local authority made available to enable health authorities to discharge their functions under the Act;
 - (xxiv) section 51, with respect to making available in premises provided under the Act, such facilities as are regarded as required for clinical teaching and for research connected with clinical medicine or clinical dentistry;
 - (xxv) section 52, with respect to making available, on such terms as is thought fit, accommodation provided under the Act considered suitable for use in connection with the provision of general medical services, general dental services, general ophthalmic services or pharmaceutical services;
 - (xxvi) section 58(b), with respect to allowing persons to make use of accommodation or services provided under the Act, deciding on what terms such accommodation and services may be used and the provision of such accommodation and services to an extent greater than necessary;
 - (xxvii) section 61(1) and (2), with respect to the disposal of goods and the production and manufacture of them in excess of that required for the services provided under the other provisions of the Act;
 - (xxviii) section 63, with respect to authorising hospital accommodation to be made available on payment of charges for part of the cost and recovering those charges;
 - (xxix) section 65(2), with respect to allowing accommodation and services, authorised to be made available, to be made available in connection with the treatment, in pursuance of arrangements made by medical or dental practitioners, of their private patients as resident patients;
 - (xxx) sections 65(1) and 66(1)(c), with respect to the recovery of charges for accommodation and services authorised by the

(a) Section 26(4) was added by the Health Services Act 1980, section 3(1).

(b) Section 58 was substituted by the Health Services Act 1980, section 10.

(c) Sections 65(1) and 66(1) were amended by the Health Services Act 1980, section 11(1).

- Secretary of State to be made available under sections 65(1) and 66(1), and with respect to the determination under section 66(1) and (2) of such charges for non-resident patients where no relevant determination has been made by the Secretary of State;
- (xxxi) section 72(1), (3), (4) and (5), with respect to making available health service accommodation and facilities for the purpose of providing medical, dental, pharmaceutical, ophthalmic or chiropody services to non-resident private patients;
 - (xxxii) section 81(a), with respect to the making and recovery of charges for more expensive supplies;
 - (xxxiii) section 82(a), with respect to charges for replacement or repair of appliances and vehicles in certain circumstances;
 - (xxxiv) section 87(1) and (2) with respect to the acquisition of land and other property required for the purposes of the Act and the use or maintenance of any property belonging to the Secretary of State by virtue of the Act.

Restriction on the exercise of certain functions by Regional Authorities

4.—(1) The exercise of any function by a Regional Authority in accordance with directions given in the last foregoing regulation shall be subject to the following provisions of this regulation in so far as they relate to the exercise of such function.

(2) Nothing in these regulations shall be taken as giving directions for the exercise of any function, conferred on or vested in the Secretary of State, with respect to the making of any order or regulations.

(3) Nothing in these regulations shall enable a Regional Authority to exercise the functions of the Secretary of State under section 87(1) of the Act with respect to the compulsory acquisition of land or give directions to a District Authority which would empower that authority so to exercise that function.

(4) The power of the Secretary of State under section 2 of the Act shall be exercisable by a Regional Authority to such extent only as is necessary for the proper exercise, in relation to the region of that authority or anywhere outside that region in relation to which the Secretary of State has directed, of one or more other functions which the Secretary of State has directed the Regional Authority to exercise on his behalf.

(5) Where arrangements are made in the exercise of any function performed pursuant to a direction under these regulations with medical practitioners for the vaccination or immunisation of persons against disease, every medical practitioner providing general medical services shall so far as is reasonably practicable, be given an opportunity to participate in the arrangements.

(6) Approval of a medical practitioner for the purposes of section 28(2) of the Mental Health Act 1959 as having special experience in the diagnosis and treatment of mental disorder shall only be given after having carried out such consultations and having obtained such advice and for such period as the Secretary of State shall direct.

(7) Before exercising the Secretary of State's functions under section 3(1)(c) of the Act with respect to the provision of ambulance services a Regional Authority shall obtain the Secretary of State's approval to the proposed arrangements for such exercise.

(8) The use of accommodation and services for the purposes of private practice shall be permitted under section 72 of the Act only on such conditions as the Secretary of State may from time to time approve.

(9) In the exercise of the function to which regulation 3(e)(xvi) refers, such charges shall be made as are determined by the Secretary of State.

PART III

DIRECTIONS TO DISTRICT AUTHORITIES

Functions to be made exercisable by District Authorities in England

5.—(1) Subject to the provisions of paragraph (2) and of regulation 6 and to such limitations as the Secretary of State may direct with respect to the exercise of any functions and in accordance with any directions which he may give, every Regional Authority shall secure, by a direction given by an instrument in writing, that each of the District Authorities of which the district is included in its region shall subject as aforesaid and in accordance with any directions which are given by the Secretary of State or, subject to any such directions, by the Regional Authority, exercise as respects its district, such other parts of the region as the Regional Authority may direct, and anywhere outside its district that the Secretary of State may direct, such of the Secretary of State's functions relating to the health service as are specified in regulation 3.

(2) Each Regional Authority shall secure that no directions are given to any District Authority directing any such District Authority to exercise any function under the provisions specified in regulations 3(a), 3(e)(xi) or 3(e)(xvi) or in the case of the function of the provision of ambulance services pursuant to regulation 3(e)(iii), otherwise than in accordance with arrangements approved pursuant to the provisions of regulation 4(7).

Restriction on exercise of certain functions by District Authorities in England

6.—(1) The exercise of any function by a District Authority in accordance with directions given by the relevant Regional Authority shall be subject to the provisions of regulation 4(2), 4(5), 4(6) and 4(8) in so far as they relate to the exercise of such function.

(2) The power of the Secretary of State under section 2 of the Act shall be exercisable by a District Authority, to which directions for the exercise of such power have been given by the relevant Regional Authority, to such an extent only as is necessary for the proper exercise, in relation to the district of the District Authority or anywhere outside that district in relation to which the Secretary of State or the relevant Regional Authority has directed, of one or more other function which the relevant Regional Authority has directed to be exercisable by the District Authority.

PART IV

DIRECTIONS TO DISTRICT AUTHORITIES IN WALES

Functions exercisable by District Authorities in Wales

7. Subject to the provisions of regulation 8 and to such limitations as the Secretary of State may direct with regard to the exercise of any function and in accordance with any directions which he may give, a District Authority in Wales shall exercise on behalf of the Secretary of State, as respects its district and anywhere outside its district that the Secretary of State may direct, his functions relating to the health service under any provision specified in regulation 3 except those specified in regulation 3(e)(xi).

Restrictions on exercise of certain functions by District Authorities in Wales

8.—(1) The exercise of any function by a District Authority in Wales in accordance with directions given in regulation 7 shall be subject to the provisions of regulation 4(2), 4(5), 4(6), 4(8) and 4(9), in so far as they relate to the exercise of such function.

(2) Nothing in these regulations shall enable a District Authority in Wales to exercise the functions of the Secretary of State under section 87(1) of the Act with respect to the compulsory acquisition of land.

(3) The power of the Secretary of State under section 2 of the Act shall be exercisable by a District Authority in Wales to such extent only as is necessary for the proper exercise, in relation to the district of that authority or anywhere outside that district in relation to which the Secretary of State has directed, of one or more other function which the Secretary of State has directed the District Authority to exercise on his behalf.

(4) Before exercising the Secretary of State's functions under section 3(1)(c) of the Act with respect to the provision of ambulance services a District Authority in Wales shall obtain the Secretary of State's approval to the proposed arrangements for such exercise.

PART V

ADMINISTRATION ARRANGEMENTS

Arrangements by Regional Authorities for exercise of functions

9. Subject to any directions which may be given by the Secretary of State as to the exercise of any function exercisable by a Regional Authority by virtue of any direction given under section 13 of the Act, any Regional Authority so directed to exercise any function may arrange with an equivalent body (a), a committee or sub-committee of such equivalent body, with another body of which the members consist only of the Regional Authority and equivalent bodies, or with an officer of an equivalent body or such other body as aforesaid, for the exercise of such function on its behalf.

(a) See section 16(2) of the National Health Service Act 1977.

Arrangements by District Authorities for exercise of functions

10.—(1) Subject to the following paragraph of this regulation, to any directions which may be given by the Secretary of State, and, in the case of a District Authority in England, to any directions given by the relevant Regional Authority with respect to the exercise of any function exercisable by virtue of a direction given under section 14 of the Act, a District Authority by which any function is exercisable by virtue of any provision of the Act may arrange with an equivalent body, a committee or sub-committee of an equivalent body, with another body of which the members consist only of the District Authority and equivalent bodies, or with an officer of an equivalent body or such other body as aforesaid, for the exercise of such function on its behalf.

(2) The duty of a District Authority to make arrangements for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services, in so far as such duty relates to—

- (a) satisfying itself that an applicant for inclusion in a list of medical practitioners undertaking to provide general medical services or of dental practitioners undertaking to provide general dental services has the necessary knowledge of English for providing such services;
- (b) the referral to the Medical Practices Committee of applications for inclusion in a list of medical practitioners who undertake to provide general medical services;
- (c) acceptance of applications for inclusion in a list of dental practitioners undertaking to provide general dental services or of persons undertaking to provide general ophthalmic services or pharmaceutical services; and
- (d) any rights and liabilities arising in connection with any such applications or by virtue of inclusion in any such list as aforesaid;

shall be a function exercisable on behalf of a District Authority, in accordance with regulations and any directions given by the Secretary of State, by the Committee established or adopted for the district of that District Authority.

Prescribed Functions

11.—(1) The function of administering the arrangements for the provision of Part II services is prescribed as a function with respect to which directions may be given by District Authority to a Committee under section 17(b) and (c)(a) of the Act.

(2) A Committee (referred to in this regulation as “the principal Committee”) may request another Committee (referred to in this regulation as “the agent Committee”) to act on its behalf in the administration of the arrangements for the provision of Part II services in or in relation to transferred territory; and compliance with such a request is prescribed as a function which it is the duty of the agent Committee to perform under section 15(1)(b) of the Act or section 2(4)(b) of the Health Services Act 1980 as the case may be.

(3) In this regulation—

- (a) “Part II services” means general medical services, general dental services, general ophthalmic services and pharmaceutical services;

(a) Section 17(c) was added by paragraph 91 of Schedule 1 to the Health Services Act 1980.

- (b) “transferred territory” means territory which—
- (i) is included in the district of the District Authority (or in the combined districts of the District Authorities) by which the principal Committee was established; and
 - (ii) was, immediately before the coming into operation of these regulations, included in the area of an Area Health Authority, being an area corresponding largely but not wholly in extent with the district of the District Authority (or with the combined districts of the District Authorities) by which the agent Committee was established.

Arrangements by Family Practitioner Committees for exercise of functions

12.—(1) Subject to the following paragraphs of this regulation and to any directions given by the Secretary of State, a Committee may arrange with another Committee or another body of which the members consist only of the Committee and other Committees, a committee or sub-committee appointed by such Committee or other Committees, a special health authority, an officer of such authority or Committee or an officer of a District Authority which has established or adopted such Committee for the exercise on its behalf of any function exercisable by the Committee.

(2) The functions of a Committee under section 15(1)(a)(a) of the Act with regard to the examination, checking and pricing of prescriptions for drugs, medicines and appliances supplied under arrangements made by a District Authority for the provision of pharmaceutical services, shall be exercisable on behalf of a Committee established in England by the Prescription Pricing Authority(b) and on behalf of a Committee established in Wales by the Welsh Health Technical Services Organisation(c) and arrangements shall be made by Committees in accordance with directions given by the Secretary of State with respect to the exercise of such functions.

Revocations

13. The National Health Service Functions (Directions to Authorities) Regulations 1974(d), 1980(e) and 1981(f) and the National Health Service Functions (Administration Arrangements) Regulations 1974(g) are hereby revoked.

(a) Section 15(1) was amended by section 1 of and paragraph 35 of Schedule 1 to the Health Services Act 1980.

(b) See S.I. 1974/9.

(c) See S.I. 1973/1624.

(d) S.I. 1974/24.

(e) S.I. 1980/1204.

(f) S.I. 1981/888.

(g) S.I. 1974/36.

Norman Fowler,
Secretary of State for Social Services.

2nd March 1982

Nicholas Edwards,
Secretary of State for Wales.

3rd March 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations consolidate with amendments the National Health Service Functions (Directions to Authorities) Regulations 1974, 1980 and 1981 and the National Health Service (Administration Arrangements) Regulations 1974. In these regulations directions are given by the Secretary of State to Regional Health Authorities and District Health Authorities in Wales to exercise on his behalf specified functions under the National Health Service legislation, and directions are also given as to which of these functions the Regional Health Authorities must or must not direct District Health Authorities in England to exercise. They also provide for functions relating to the National Health Service to be exercisable on each other's behalf by National Health Service bodies.

The principal amendments made by these regulations to those which they consolidate replace by references to the National Health Service Act 1977, references to repealed and consolidated legislation, and by references to District Health Authorities, references to the bodies which they replace. Regional Health Authorities are directed for the first time to exercise functions under sections 5(1), 6 and 8(2A) of the Nursing Homes Act 1975 (c.37) (see regulation 3(d)(iii), (iv) and (vii)) and under sections 25, 26(4) and 72 of the National Health Service Act 1977 (see regulation 3(e)(xvi), (xx) and (xxi)). Regulation 4(7) in respect of Regional Health Authorities and regulation 8(4) in respect of District Health Authorities in Wales require the approval of the Secretary of State for arrangements for the provision of ambulance services; while regulation 4(9) imposes a restriction on charges for the supply of blood under section 25. New provisions are included in regulation 11 for the exercise by Family Practitioner Committees of functions on behalf of other Family Practitioner Committees.

SI 1982/287
ISBN 0-11-026287-5



780110262871