
 STATUTORY INSTRUMENTS

1982 No. 315

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The Authorities for London Post-Graduate Teaching Hospitals
Regulations 1982**

<i>Made</i> - - - -	8th March 1982
<i>Laid before Parliament</i>	11th March 1982
<i>Coming into Operation</i>	1st April 1982

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 12, 13 and 98(3) of, and paragraphs 10 and 12 of Schedule 5 to, the National Health Service Act 1977(a), and of all other powers enabling him in that behalf hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Authorities for London Post-Graduate Teaching Hospitals Regulations 1982 and shall come into operation on 1st April 1982.

Interpretation

2. In these regulations, unless the context otherwise requires:—

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

“Authority” means a special health authority established by the Order and “Authorities” shall be construed accordingly;

“member” means a member of an Authority other than the chairman and “members” shall be construed accordingly, and

“the Order” means the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order 1982(b).

Appointment of members

3. —(1) The chairman of an Authority and members specified in Article 5 of the Order shall be appointed by the Secretary of State.

(2) The Secretary of State, when appointing a member, shall specify the paragraph of Article 5 by virtue of which the appointment is made.

(a) 1977 c. 49; sections 12 and 13 and paragraph 10 of Schedule 5 were amended by section 1 of, and paragraphs 32, 33 and 80(3) respectively of Schedule 1 to, the Health Services Act 1980 (c. 53).
(b) S.I. 1982/314.

(3) Subject to regulation 4 of the National Health Service (Health Authorities: Membership) Regulations 1981(a) as applied by these regulations, the tenure of office of the chairman of an Authority or a member shall be for such period not exceeding four years, expiring at the end of the 31st day of March in any year, as the Secretary of State shall specify on making the appointment.

(4) Where, for any reason, a person ceases to be the chairman of an Authority or a member before the expiration of the period for which he was appointed, the tenure of office of the person appointed to be chairman or member in his place shall be the remainder of that period.

Committees and sub-committees

4.—(1) Subject to any directions by the Secretary of State, the Authority may, and if directed shall, appoint committees of the Authority, or together with one or more other health authorities appoint joint committees, consisting in either case wholly or partly of persons who are members of the Authority or those authorities.

(2) A committee or joint committee appointed under this regulation may, subject to such directions as may be given by the Secretary of State or the appointing authority or authorities, appoint sub-committees consisting wholly or partly of members of the committee or joint committee.

Application of regulations

5.—(1) The provisions of :—

- (a) regulation 10 (election of vice-chairman), regulation 11 (appointment of committees and sub-committees), regulation 12 (arrangements for the exercise of functions), regulation 13 (meetings and proceedings) and regulation 14 (disability of members in proceedings on account of pecuniary interests) of, and the Schedule (rules as to meetings and proceedings of authorities) to, the National Health Service (Regional and Area Health Authorities: Membership and Procedure) Regulations 1973(b);
- (b) the National Health Service (General Dental Services) Regulations 1973(c);
- (c) the National Health Service (Charges for Appliances) Regulations 1974(d);
- (d) The National Health Service (Dental and Optical Charges) Regulations 1978(e);
- (e) the National Health Service (Charges for Drugs and Appliances) Regulations 1980(f);

(a) S.I. 1981/933.

(b) S.I. 1973/1286, to which there are amendments not relevant to these regulations.

(c) S.I. 1973/1468, amended by S.I. 1974/53, 1978/950, 1980/986, 1981/774.

(d) S.I. 1974/284, amended by S.I. 1974/609, 1978/950.

(e) S.I. 1978/950, amended by S.I. 1979/677, 1980/352, 987, 1503, 1981/307, 1982/284.

(f) S.I. 1980/1503, amended by S.I. 1981/501, 1714, 1982/289.

shall apply as if any reference therein to an Authority included a reference to an Authority established by the Order.

(2) The provisions of the National Health Service (Venereal Diseases) Regulations 1974(a) shall apply as if any reference therein to a Regional Health Authority were a reference to an Authority.

(3) The provisions of the Sale of Goods for Mothers and Children (Designation and Charging) Regulations 1976(b) shall apply as if any reference therein to a district authority were a reference to an Authority.

(4) The provisions of regulation 4 (termination of tenure of office), regulation 5 (eligibility for re-appointment), regulation 7 (disqualification for appointment), and regulation 8 (cessation of disqualification) of the National Health Service (Health Authorities: Membership) Regulations 1981(c) shall apply as if any reference therein to an Authority included a reference to an Authority established by the Order and as if the reference in regulation 4(3) of those regulations to the area or district of an Authority were omitted.

(5) The provisions of the National Health Service (Appointment of Consultants) Regulations 1982(d) shall apply as if any reference therein to a teaching authority were a reference to an Authority.

Functions

6.—(1) Subject to regulation 7 and in accordance with such directions as the Secretary of State may give under the Act, each of the Authorities shall exercise on behalf of the Secretary of State his functions relating to the health service specified in this regulation, in respect of a hospital which it manages and services provided in connection therewith, and such other functions as the Secretary of State may direct.

(2) For the purposes of paragraph (1) of this regulation, there are specified:—

- (a) the following functions conferred by the Health Services and Public Health Act 1968(e) or any regulation made thereunder:—
 - (i) section 63(1), 63(3), 63(5) and 63(6)(f), 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, and
 - (ii) section 64(g), with respect to giving financial assistance to voluntary organisations;

(a) S.I. 1974/29.

(b) S.I. 1976/516, amended by S.I. 1982/288.

(c) S.I. 1981/933.

(d) S.I. 1982/276.

(e) 1968 c. 46.

(f) Section 63 was amended by the National Health Service Reorganisation Act 1975 (c. 32), section 57 and Schedule 4, paragraph 124(1) and (2) and by the Health Services Act 1980, section 1 and Schedule 1, paragraph 19(3): *See also* the National Health Service Act 1977, section 129 and Schedule 14, paragraph 13(1).

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

- (b) functions conferred by section 17 of the Chronically Sick and Disabled Persons Act 1970(a), 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 providing the Secretary of State with information about those inappropriately accommodated;
- (c) the following functions conferred by the Act or any regulation made thereunder, namely:—
- (i) section 2, with respect to the provision of services considered appropriate for the purpose of discharging any duty imposed on 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 purpose of any service provided under the Act;
 - (iii) section 3(1)(c), with respect to the provision of medical, dental and nursing 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 after-care 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;
 - (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, or assistance by grants or otherwise to conduct, 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;

(a) 1970 c. 44; section 17(1) was amended by the National Health Service Reorganisation Act 1973, section 57 and Schedule 4, paragraph 132; *see also* the National Health Service Act 1977, section 129 and Schedule 14, paragraph 13(1).

- (xi) section 23(1) with respect to arranging with any person or body (including a voluntary organisation) for that body to provide or assist in providing any service under the Act;
- (xii) 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;
- (xiii) 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;
- (xiv) section 23(5), with respect to the purchase and storing of goods and materials, and the power to arrange with third parties for the supply of goods or materials by those third parties;
- (xv) section 25 other than paragraphs (b) or (c), with respect to making available (on such terms including terms as to charges as is thought fit) of supplies of human blood;
- (xvi) section 26(1), with respect to the supply of goods and the making available of facilities and the services of persons 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;
- (xvii) 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;
- (xviii) section 26(3), with respect to making available any services or other facilities and the services of employed persons to enable local authorities to discharge their functions relating to social services, education and public health;
- (xix) section 26(4)(a), with respect to arranging to make available to local authorities the services of persons to enable local authorities to discharge their functions relating to social services, education and public health;
- (xx) 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;
- (xxi) section 27(4), with respect to the agreement of terms and the making of charges in respect of services or facilities provided;
- (xxii) 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;
- (xxiii) 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;

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

- (xxiv) 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;
- (xxv) section 58(a), 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;
- (xxvi) 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;
- (xxvii) 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;
- (xxviii) section 64, with respect to requiring a resident patient who is absent during the day for the purpose of engaging in remunerative employment to pay such part of the cost of his maintenance and incidental cost as may seem reasonable, having regard to that patient's remuneration, and the recovery of the amount so required;
- (xxix) section 65(2), with respect to allowing accommodation and services, authorised to be made available in connection with 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)(b) with respect to the recovery of charges for accommodation and services authorised by the Secretary of State to be made available under section 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 or 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 repairs of appliances and vehicles in certain circumstances;
- (xxxiv) section 87(1)(b) and (2), with respect to the acquisition of health service property other than land, and the use and maintenance of property belonging to the Secretary of State.

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

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

Restriction on exercise of certain functions

7.—(1) The exercise of any function in accordance with directions given in regulation 6 of these regulations shall be subject to such limitations as the Secretary of State may direct.

(2) Nothing in regulation 6 of 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 regulation.

(3) The power of the Secretary of State under section 2 of the Act shall be exercisable by an Authority to such extent only as is necessary for the proper exercise in relation to the hospital which that Authority manages (or in relation to services provided in connection therewith or at the direction of the Secretary of State) of one or more other functions which the Secretary of State has directed the Authority to exercise on his behalf.

(4) Where arrangements are made in the exercise of any function performed pursuant to a direction under the 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.

(5) 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.

(6) In the exercise of the function to which regulation 6(2)(c)(xv) refers, such charges shall be made as are determined by the Secretary of State.

Norman Fowler,
Secretary of State for Social Services.

8th March 1982.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

The special health authorities for certain London post-graduate teaching hospitals are directed by these regulations to exercise functions primarily relating to those hospitals on behalf of the Secretary of State. These regulations also provide for the appointment and term of office of members (regulation 3), committees and sub-committees (regulation 4) and the application of the provisions of other regulations (regulation 5).

SI 1982/315
ISBN 0-11-026315-4



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