

1987 No. 245

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service Functions (Amendment of Directions to Authorities) Regulations 1987

Made - - - - - 20th February 1987

Laid before Parliament 27th February 1987

Coming into force - 1st April 1987

The Secretary of State for Social Services, in exercise of the powers conferred upon him by sections 13 and 18 of 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 National Health Service Functions (Amendment of Directions to Authorities) Regulations 1987 and shall come into force on 1st April 1987.

Amendment of Regulations

2.—(1) In the National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1982(b) regulation 3(e) (functions in the National Health Service Act 1977 to be exercisable by Regional Health Authorities) shall be amended as follows:-

(a) for head (xxviii) there shall be substituted the following-

“(xxviii) section 63, with respect to authorising hospital accommodation described in the section to be made available, determining the extent to which it is to be made available, determining the charges for part of its cost, recovering those charges, and allowing deductions from the amount due during periods when it is temporarily vacated;”

(b) in head (xxix) for the reference to “section 65(2)” there shall be substituted a reference to “section 65(2) and (5)” and after the words “resident patients” there shall be added the words “and allowing in respect of that treatment deductions from the amount due during periods when the accommodation is temporarily vacated;”

(c) for head (xxx) there shall be substituted the following-

(a) 1977 c.49; section 13 was amended by paragraph 33 of Schedule 1 to the Health Services Act 1980 (c.53) and section 18 was amended by paragraphs 38 and 92 of that Schedule. See section 128(1) of the National Health Service Act 1977 for the definition of “regulations”.

(b) S.I. 1982/287; the relevant amending instrument is S.I. 1984/1577.

“(xxx) section 65(1), (3) and (4) and section 66(a), with respect to determining under those provisions the charges to be paid for accommodation and services authorised by the Secretary of State to be made available under sections 65(1) and 66(1) and with respect to recovering those charges;”

(2) In the Authorities for London Post-Graduate Teaching Hospitals Regulations 1982(b), regulation 6(2)(c) (functions under the National Health Service Act 1977 to be exercisable by the Authorities) shall be amended as follows:-

(a) for head (xxvii) there shall be substituted the following-

“(xxvii) section 63, with respect to authorising the hospital accommodation described in the section to be made available, determining the extent to which it is to be made available, determining the charges for part of its cost, recovering those charges, and allowing deductions from the amount due during periods when it is temporarily vacated;”

(b) in head (xxix) for the reference to “section 65(2)” there shall be substituted a reference to “section 65(2) and (5)” and after the words “resident patients” there shall be added the words “and allowing in respect of that treatment deductions from the amount due during periods when the accommodation is temporarily vacated;”

(c) for head (xxx) there shall be substituted the following-

“(xxx) section 65(1), (3) and (4) and section 66(a), with respect to determining under those provisions the charges to be paid for accommodation and services authorised by the Secretary of State to be made available under sections 65(1) and 66(1), and with respect to recovering those charges;”

Signed by authority of the Secretary of State for Social Services.

Tony Newton
Minister of State,

20th February 1987

Department of Health and Social Security

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the directions given in regulations to regional health authorities in England, to District Health Authorities in Wales, and to the special health authorities established for certain London post-graduate teaching hospitals (“the authorities”) relating to the exercise on behalf of the Secretary of State of his functions concerning health service accommodation and services available for private patients. The effect of the amendments is to extend to the authorities the function of determining the charges to be paid in respect of such accommodation and services.

In accordance with directions given in the National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulation 1982 district health authorities in England exercise these functions on behalf of regional health authorities.

(a) Sections 65(1) and 66(1) were amended by section 11(1) of the Health Services Act 1980 (c.53).
(b) S.I. 1982/315.

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