



National Health Service Reorganisation Act 1973

1973 CHAPTER 32

PART I

ADMINISTRATION

Local administration

5 Regional and Area Health Authorities, Family Practitioner Committees and special health authorities

(1) It shall be the duty of the Secretary of State to establish by order in accordance with Part I of Schedule 1 to this Act—

- (a) authorities, to be called Regional Health Authorities, for such regions in England as he may by order determine; and
- (b) authorities, to be called either Area Health Authorities or Area Health Authorities (Teaching) in accordance with the following subsection, for such areas in Wales and the said regions as he may by order determine;

and orders determining regions or areas in pursuance of this subsection shall be separate from orders establishing authorities for the regions or areas.

(2) An order establishing an Authority in pursuance of paragraph (b) of the preceding subsection may provide for it to be called an Area Health Authority (Teaching) if and only if the Secretary of State is satisfied that the Authority is to provide for a university or universities substantial facilities for undergraduate or post-graduate clinical teaching; and where the Secretary of State is satisfied that an Area Health Authority is to provide or is providing such facilities he may provide by order for the Authority to be called an Area Health Authority (Teaching) and where he is satisfied that an Area Health Authority (Teaching) no longer provides such facilities he may provide by order for the Authority to be called an Area Health Authority.

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- (3) It shall be the duty of the Secretary of State, before providing that an Authority shall be called or cease to be called an Area Health Authority (Teaching), to consult the university or universities concerned with the facilities in question.
- (4) Any reference in the following provisions of this Act to an Area Health Authority includes a reference to an Area Health Authority (Teaching) unless the context otherwise requires.
- (5) It shall be the duty of each Area Health Authority to establish for its area, in accordance with Part II of Schedule 1 to this Act, a body which shall be called a Family Practitioner Committee.
- (6) If the Secretary of State considers that a special body should be established for the purpose of performing any functions which he may direct the body to perform on his behalf, or on behalf of an Area Health Authority or a Family Practitioner Committee, he may by order establish a body for that purpose and, subject to the provisions of Part III of Schedule 1 to this Act, make such further provision relating to the body as he thinks fit; and a body established in pursuance of this subsection shall, without prejudice to the power conferred by subsection (3) of the following section to allocate a particular name to the body, be called a special health authority.

6 Provisions supplementary to s. 5

- (1) It shall be the duty of the Secretary of State to exercise the powers conferred on him by subsection (1) of the preceding section and the following subsection so as to secure—
 - (a) that the regions determined in pursuance of those subsections together comprise the whole of England, that the areas so determined together comprise the whole of Wales and those regions and that no region includes part only of any area ; and
 - (b) that the provision of health services in each region can conveniently be associated with a university which has a school of medicine or with two or more such universities.
- (2) The Secretary of State may by order vary the region of a Regional Health Authority or the area of an Area Health Authority whether or not the variation entails the determination of a new or the abolition of an existing region or area, and an order made by virtue of this subsection may (without prejudice to the generality of section 56(4) of this Act) contain such provisions for the transfer of officers, property, rights and liabilities as the Secretary of State thinks fit; but it shall be the duty of the Secretary of State before he makes an order in pursuance of this subsection to consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order and such other bodies as he considers are concerned with the order.
- (3) Without prejudice to the generality of the said section 56(4) or of the power to make an order conferred by subsection (6) of the preceding section, an order made in pursuance of that subsection may in particular contain provisions as to the membership of the body established by the order, the transfer to the body of officers, property, rights and liabilities and the name by which the body is to be known; but it shall be the duty of the Secretary of State before he makes such an order to consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.

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- (4) The provisions of Part III of Schedule 1 to this Act shall, so far as applicable, have effect in relation to an Authority or other body established in pursuance of the preceding section.

7 Functions of authorities

- (1) The Secretary of State may direct a Regional Health Authority, an Area Health Authority of which the area is in Wales or a special health authority to exercise on his behalf such of his functions relating to the health service as are specified in the directions (including any of his functions under enactments relating to mental health and nursing homes but excluding the duty imposed on him by section 1(1) of the principal Act to secure the effective provision of the services mentioned in subsection (3) of this section); and subject to the following subsection it shall be the duty of the body in question to comply with the directions.
- (2) A Regional Health Authority may direct any Area Health Authority of which the area is included in its region to exercise such of the functions exercisable by the Regional Health Authority by virtue of the preceding subsection as are specified in the directions and it shall be the duty of the Area Health Authority to comply with the directions ; but if the Secretary of State directs a Regional Health Authority to secure that any of those functions specified in his directions are or are not exercisable by an Area Health Authority it shall be the duty of the Regional Health Authority to comply with his directions.
- (3) It shall be the duty of each Family Practitioner Committee in accordance with regulations—
- (a) to administer, on behalf of the Area Health Authority by which the Committee was established, the arrangements made in pursuance of the Health Service Acts for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services for the area of the Authority; and
 - (b) to perform such other functions relating to those services as may be prescribed ;

and if it appears to the Secretary of State that, in consequence of regulations made by virtue of the preceding provisions of this subsection, references to an Area Health Authority in particular provisions of the Health Service Acts should be construed as references to a Family Practitioner Committee, he may by regulations provide accordingly.

- (4) Regulations may provide for functions exercisable by virtue of the preceding provisions of this section by a body other than an Area Health Authority, or exercisable by virtue of any provisions of the Health Service Acts by an Area Health Authority, to be exercisable on behalf of the body in question—
- (a) by an equivalent body or by another body of which the members consist only of the body and equivalent bodies;
 - (b) by a committee, sub-committee or officer of the body or an equivalent body or such another body as aforesaid ;
 - (c) in the case of functions exercisable by an Area Health Authority, by a special health authority, an officer of such an authority or a Family Practitioner Committee ;

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- (d) in the case of functions exercisable by a Family Practitioner Committee, by a special health authority, an officer of such an authority or an officer of an Area Health Authority;

and for the purposes of this subsection a Regional or Area Health Authority or a Family Practitioner Committee is equivalent to another body of the same name and a special health authority is equivalent to another such authority; but nothing in this subsection shall be construed as precluding any body from acting by an agent where it is entitled so to act apart from this subsection.

- (5) The Secretary of State may give directions with respect to the exercise of any functions exercisable by any body by virtue of the preceding provisions of this section or by an Area Health Authority by virtue of Part IV of the principal Act; and subject to any directions given by the Secretary of State by virtue of this subsection—
- (a) a Regional Health Authority may give directions with respect to the exercise, by an Area Health Authority of which the area is included in its region, of any functions exercisable by the Area Health Authority by virtue of subsection (2) of this section ;
- (b) an Area Health Authority may give directions with respect to the exercise by the Family Practitioner Committee established by it of any functions which are exercisable by the Committee by virtue of subsection (3) of this section and are prescribed for the purposes of this paragraph;

and it shall be the duty of the body in question to comply with the directions.

- (6) Any directions given by the Secretary of State in pursuance of this section shall be given either by regulations or by an instrument in writing except that any such directions in respect of functions conferred on the Secretary of State by section 9(1) or (2) of this Act and any such directions in pursuance of subsection (1) of this section in respect of functions relating to special hospitals shall only be given by regulations, and any directions given by an Authority in pursuance of this section shall be given by an instrument in writing.
- (7) Directions given and regulations made in pursuance of this section in respect of a function—
- (a) shall not, except in prescribed cases, preclude a body or person by whom the function is exercisable apart from the directions or regulations from exercising the function; and
- (b) may in the case of directions given by an instrument in writing be varied or revoked by subsequent directions given in pursuance of this section (without prejudice to the operation of section 32(3) of the Interpretation Act 1889 in the case of directions given by regulations) ;

so however that an Area Health Authority shall not be entitled to exercise any function which by virtue of subsection (3) of this section is exercisable by the Family Practitioner Committee established by the Authority.

8 Local advisory committees

- (1) Where the Secretary of State is satisfied that a committee formed for the region of a Regional Health Authority is representative of persons of any of the following categories, namely—
- (a) the medical practitioners of the region ; or
- (b) the dental practitioners of the region ; or
- (c) the nurses and midwives of the region ; or

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- (d) the registered pharmacists of the region ; or
- (e) the ophthalmic and dispensing opticians of the region,

then, subject to the following subsection, it shall be the duty of the Secretary of State to recognise the committee; and a committee recognised in pursuance of this subsection shall be called the Regional Medical, Dental, Nursing and Midwifery, Pharmaceutical or Optical Committee, as the case may be, for the region in question.

- (2) Where the Secretary of State is satisfied that a committee formed for the region of a Regional Health Authority is representative of—

- (a) any category of persons (other than a category mentioned in the preceding subsection) who provide services forming part of the health service ; or
- (b) two or more of any of the categories of persons mentioned in the preceding subsection and the preceding paragraph,

and that it is in the interests of the health service to recognise the committee, it shall be the duty of the Secretary of State to recognise it in pursuance of this subsection and determine that it shall be known by a name specified in the determination; and where a committee recognised in pursuance of this subsection appears to the Secretary of State to represent categories of persons which include a category mentioned in the preceding subsection, he shall not be required by virtue of that subsection to recognise a committee representing persons of that category.

- (3) The Secretary of State may, by notice in writing served on any member of a committee recognised in pursuance of this section, withdraw his recognition of the committee if he considers it expedient to do so—

- (a) where the committee is recognised in pursuance of subsection (1) or (2)(a) of this section, with a view to recognising in pursuance of subsection (2)(b) of this section another committee representing categories of persons which include the category represented by the recognised committee;
- (b) where the committee is recognised in pursuance of the said subsection (2) (b), with a view to recognising in pursuance of any of the provisions of subsection (1) or (2) of this section other committees which together are representative of the categories in question.

- (4) It shall be the duty of a committee recognised by reference to the region of a Regional Health Authority in pursuance of subsection (1) or (2) of this section—

- (a) to advise the Authority on the provision by the Authority of services of the kind provided by the categories of persons of whom the committee is representative; and
- (b) to perform such other functions as may be prescribed;

and it shall be the duty of the Authority to consult the committee with respect to such matters and on such occasions as may be prescribed.

- (5) A Regional Health Authority may defray such expenses incurred by such a committee in performing the duty imposed on the committee by the preceding subsection as the Authority considers reasonable (which may include travelling and other allowances and compensation for loss of remunerative time for members of the committee at such rates as the Secretary of State may determine with the approval of the Minister for the Civil Service).

- (6) The preceding provisions of this section shall have effect in relation to Wales as if—

- (a) for references to a region of an Authority there were substituted references to Wales ;

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- (b) for the words "Regional Medical" in subsection (1) there were substituted the words "Welsh Medical";
 - (c) for the words "the Authority" in both places in subsection (4)(a) and for those words and the words "A Regional Health Authority" in subsection (5) there were substituted the words "the Secretary of State"; and
 - (d) in subsection (4) the words following paragraph (b) were omitted.
- (7) Subsections (1) to (5) of this section shall have effect in relation to an Area Health Authority of which the area is in England or Wales with the substitution for the word "Regional" of the word "Area" and for the word "region" of the word "area".

9 Community Health Councils etc.

- (1) It shall be the duty of the Secretary of State to establish in accordance with this section a Council for the area of each Area Health Authority or separate Councils for such separate parts of the areas of those Authorities as he thinks fit; and such a council shall be called a Community Health Council (and is hereafter in this section referred to as a "Council").
- (2) The Secretary of State may if he thinks fit discharge the duty aforesaid by establishing a Council for a district which includes the areas or parts of the areas of two or more Area Health Authorities; but the Secretary of State shall be treated as not having discharged that duty unless he secures that there is no part of the area of an Area Health Authority which is not included in some Council's district.
- (3) It shall be the duty of a Council—
- (a) to represent the interests in the health service of the public in its district; and
 - (b) to perform such other functions as may be conferred on it by virtue of the following subsection.
- (4) Provision may be made by regulations as to—
- (a) the membership of Councils (including the election by members of a Council of a chairman of the Council);
 - (b) the proceedings of Councils ;
 - (c) the staff, premises and expenses of Councils ;
 - (d) the consultation of Councils by Area Health Authorities with respect to such matters and on such occasions as may be prescribed;
 - (e) the furnishing of information to Councils by Area Health Authorities and the rights of members of Councils to enter and inspect premises controlled by Area Health Authorities;
 - (f) the consideration by Councils of matters relating to the operation of the health service within their districts and the giving of advice by Councils to Area Health Authorities on such matters ;
 - (g) the preparation and publication of reports by Councils on such matters and the furnishing and publication by Area Health Authorities of comments on the reports; and
 - (h) the functions to be exercised by Councils in addition to the functions exercisable by them by virtue of paragraph (a) of the preceding subsection and the preceding provisions of this subsection ;

and the Secretary of State may pay to members of Councils such travelling and other allowances (including compensation for loss of remunerative time) as he may determine with the consent of the Minister for the Civil Service.

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(5) It shall be the duty of the Secretary of State to exercise his power to make regulations in pursuance of paragraph (a) of the preceding subsection so as to secure as respects each Council that—

- (a) at least one member of the Council is appointed by each local authority of which the area or part of it is included in the Council's district and at least half of the members of the Council consist of persons appointed by those local authorities;
- (b) at least one third of the members of the Council are appointed in a prescribed manner by bodies (other than public or local authorities) of which the activities are carried on otherwise than for profit;
- (c) the other members of the Council are appointed by such bodies, in such manner and after such consultations as may be prescribed ; and
- (d) no member of the Council is also a member of a Regional Health Authority or Area Health Authority;

but nothing in this subsection shall affect the validity of anything done by or in relation to a Council during any period during which, by reason of a vacancy in the membership of the Council or a defect in the appointment of a member of it, a requirement included in regulations in pursuance of this subsection is not satisfied.

(6) The Secretary of State may by regulations—

- (a) provide for the establishment of a body—
 - (i) to advise Councils with respect to the performance of their functions and to assist Councils in the performance of their functions, and
 - (ii) to perform such other functions as may be prescribed; and
- (b) make provision as to the membership, proceedings, staff, premises and expenses of the said body;

and the Secretary of State may pay to members of the said body such travelling and other allowances (including compensation for loss of remunerative time) as he may determine with the consent of the Minister for the Civil Service.

(7) In this section—

" local authority " means the council of a London borough or of a county or district as defined in relation to England in section 270(1) of the Local Government Act 1972 or of a county or district mentioned in section 20(3) of that Act (which relates to Wales) or the Common Council of the City of London; and

" district " in relation to a Council, means the locality for which it is established, whether that locality consists of the area or part of the area of an Area Health Authority or such an area or part together with the areas or parts of the areas of other Area Health Authorities; and the district of a Council must be such that no part of it is separated from the rest of it by territory not included in the district.