

1969 No. 297

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
HOSPITAL AND SPECIALIST SERVICES
**The National Health Service (Functions of Regional
Hospital Boards, etc.) Regulations 1969**

<i>Made</i>	- - -	<i>6th March 1969</i>
<i>Laid before Parliament</i>		<i>13th March 1969</i>
<i>Coming into Operation</i>		<i>31st March 1969</i>

The Secretary of State for Social Services, in exercise of his powers under section 12 of the National Health Service Act 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

1. These regulations may be cited as the National Health Services (Functions of Regional Hospital Boards, etc.) Regulations 1969, and shall come into operation on 31st March 1969.

2.—(1) In these regulations—

“the Act” means the National Health Service Act 1946; and

“the Act of 1968” means the Health Services and Public Health Act 1968(b).

(2) The Interpretation Act 1889(c) applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II
REGIONAL HOSPITAL BOARDS

3. A Regional Hospital Board shall, subject to and in accordance with these regulations and any directions which may be given by the Secretary of State, and subject to the exercise of functions by Hospital Management Committees and, in relation to teaching hospitals, by Boards of Governors in accordance with the following provisions of these regulations, administer on behalf of the Secretary of State the hospital and specialist services in their area.

4. For the purposes of the last foregoing regulation, a Regional Hospital Board shall exercise on behalf of the Secretary of State and subject to and in accordance with any directions which may be given by the Secretary of State, but to the extent provided in the next following regulation through the agency of Hospital Management Committees, the functions of the Secretary of State in so far as they relate to hospitals other than teaching hospitals and to services

(a) 1946 c. 81.
(c) 1889 c.63.

(b) 1968 c.46.

provided at or in connection with hospitals other than teaching hospitals under—

(a) the following provisions of the Act and of any regulations made thereunder, namely—

- (1) section 3(1) with respect to the provision of hospital and specialist services ;
- (2) section 3(2) with respect to the making and recovery of charges for the supply, replacement or repair of appliances ;
- (3) section 3(3) with respect to the payment of travelling expenses ; and
- (4) section 4 (as amended by section 4 of the Act of 1968) with respect to the making available of hospital accommodation on part payment and the recovery of charges ; and—

(b) the following provisions of the Act of 1968, namely—

- (1) section 1(1), (2) and (5) with respect to authorising accommodation and services to be made available and to the recovery of charges ;
- (2) section 2 with respect to authorising accommodation and services to be made available to private patients otherwise than as resident patients, to determining charges for such accommodation and services in any case where no such determination has been made by the Secretary of State, and the recovery of charges ; and

(3) sections 1(2) and 2 with respect to the making of arrangements with medical or dental practitioners for the treatment of their private patients as resident patients or otherwise than as resident patients :
Provided that—

(a) no accommodation and services shall be made available at any hospital under either of the said sections 1 or 2 of the Act of 1968 until the Secretary of State has approved the extent thereof and the Secretary of State may from time to time vary the extent to which such accommodation and services are made available ;

(b) nothing in these regulations shall authorise a Regional Hospital Board to acquire land for the purposes of providing hospital and specialist services ;

(c) a Regional Hospital Board shall not without the consent of the Secretary of State undertake any building or civil engineering works the estimated total cost of which exceeds £250,000 ; and

(d) no accommodation shall be made available under section 4 of the Act until the Secretary of State has approved the extent thereof and the Secretary of State may from time to time vary the extent to which such accommodation is made available.

PART III

HOSPITAL MANAGEMENT COMMITTEES

5. The Hospital Management Committee of any hospital or group of hospitals shall, subject to and in accordance with any directions which may be given by the Regional Hospital Board concerned or by the Secretary of State, control and manage the hospital or group of hospitals and the services provided in connection therewith on behalf of the Board, and for that purpose the Committee shall, subject to and in accordance with any directions as aforesaid, exercise on behalf of the Board the following functions of the Board relating to the hospital or group of hospitals :—

(1) if the Hospital Management Committee manages and controls a university hospital, designated under section 5 of the Act of 1968, the functions of the Board under section 3(1)(a) of the Act, but no building or civil engineering works, the estimated total cost of which exceeds £120,000, shall be undertaken without the consent of the Regional Hospital Board concerned ;

(2) the functions of the Board under regulations made under section 3(2) of the Act and under these regulations with respect to the making and recovery of charges for the supply, replacement or repair of appliances ;

(3) the functions of the Board under regulations made under section 3(3) of the Act and under these regulations with respect to the payment of travelling expenses ;

(4) the functions of the Board under section 4 of the Act (as amended by section 4 of the Act of 1968) and under these regulations with respect to the making available of hospital accommodation on part payment, to the admission of patients to, and their discharge from, such accommodation and to the recovery of charges ;

(5) the functions of the Board under section 1(1) and (5) of the Act of 1968 and under these regulations with respect to the making available of accommodation and services, the admission of patients to, and their discharge from, such accommodation, to the recovery of charges and to the making of arrangements by medical and dental practitioners for the treatment of their private patients as resident patients ;

(6) the functions of the Board under section 2 of the Act of 1968 and under these regulations with respect to the making available of accommodation and services to private patients otherwise than as resident patients, to determining charges for such accommodation and services, in any case where no such determination has been made by the Secretary of State, to the recovery of charges and to the making of arrangements by medical and dental practitioners for the treatment of their private patients otherwise than as resident patients ;

(7) the functions of the Board under section 12(1) of the Act with respect to the appointment and dismissal of officers employed for the purposes only of the hospital or group of hospitals other than—

(a) the appointment and dismissal of consultants, medical assistants, assistant dental surgeons, senior registrars and registrars, and

(b) the dismissal of senior hospital medical officers and senior hospital dental officers ;

(8) the functions of the Board under section 12(1) of the Act with respect to the maintenance of premises forming part of or used in connection with the hospital or group of hospitals, but the Committee shall not without the consent of the Board undertake any building or civil engineering works the estimated total cost of which exceeds £3,000 ;

(9) subject to any arrangement which may be made by the Secretary of State or by the Board with the consent of the Secretary of State, the functions of the Board under section 12(1) of the Act with respect to the acquisition and maintenance of equipment, furniture and other movable property required for the purposes of the hospital or group of hospitals ;

(10) the functions of the Board under section 62 of the Act with respect to the provision of special schools ; and

(11) the functions of the Board with respect to the receipt of payments under sections 212 and 213 of the Road Traffic Act 1960(a).

PART IV

BOARDS OF GOVERNORS OF TEACHING HOSPITALS

6. The Board of Governors of a teaching hospital shall, on behalf of the Secretary of State, and subject to and in accordance with these regulations and any directions which may be given by the Secretary of State—

- (a) manage and control that hospital and the services provided in connection therewith, and
- (b) administer on behalf of the Secretary of State the services mentioned in section 6 of the Act of 1968.

7. For the purposes of the last foregoing regulation, the Board of Governors of a teaching hospital shall exercise on behalf of the Secretary of State, and subject to and in accordance with any directions which may be given by the Secretary of State, the functions of the Secretary of State in so far as they relate to that hospital under—

(a) the following provisions of the Act or of any regulations made thereunder, namely—

- (1) section 3(1) with respect to the provision of hospital and specialist services ;
- (2) section 3(2) with respect to the making and recovery of charges for the supply, replacement or repair of appliances ;
- (3) section 3(3) with respect to the payment of travelling expenses ; and
- (4) section 4 (as amended by section 4 of the Act of 1968) with respect to the making available of hospital accommodation on part payment and the recovery of charges ; and

(b) the following provisions of the Act of 1968, namely—

- (1) section 1(1), (2) and (5) with respect to authorising accommodation and services to be made available and the recovery of charges ;
- (2) section 2 with respect to authorising accommodation and services to be made available to private patients otherwise than as resident patients, to determining charges for such accommodation and services, in any case where no such determination has been made by the Secretary of State, and the recovery of charges ; and
- (3) sections 1(2) and 2 with respect to the making of arrangements with medical or dental practitioners for the treatment of their private patients as resident patients or otherwise than as resident patients :
Provided that—

(a) no accommodation and services shall be made available under either of the said sections 1 or 2 of the Act of 1968 until the Secretary of State has approved the extent thereof and the Secretary of State may from time to time vary the extent to which such accommodation and services are made available ;

(b) no accommodation shall be made available under section 4 of the Act until the Secretary of State has approved the extent thereof and the Secretary of State may from time to time vary the extent to which such accommodation is made available ;

- (c) nothing in these regulations shall authorise a Board of Governors to acquire land for the purposes of providing hospital and specialist services ; and
- (d) a Board of Governors shall not without the consent of the Secretary of State undertake any building or civil engineering works the estimated total cost of which exceeds £120,000.

PART V

GENERAL

8. Nothing in these regulations shall affect the power of the Secretary of State to provide or administer hospital and specialist services otherwise than in accordance with the foregoing provisions of these regulations—

- (a) so far as such services relate to the provision of equipment, furniture and other movable property ; or
- (b) where in his opinion special circumstances make it desirable to do so.

9. The regulations specified in the Schedule hereto are hereby revoked.

SCHEDULE

Orders revoked (1)	References (2)
The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1948.	S.I. 1948/60 (Rev. XV, p. 541: 1948 I, p. 2201).
The National Health Service (Functions of Regional Hospital Boards, etc.) Amendment Regulations, 1956.	S.I. 1956/1793 (1956 I, p. 1512).
The National Health Service (Functions of Regional Hospital Boards, etc.) Amendment Regulations, 1960.	S.I. 1960/1240 (1960 II, p. 2072).
The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1961.	S.I. 1961/34 (1961 I, p. 72).
The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1963.	S.I. 1963/1017 (1963 II, p. 1696).
The National Health Service (Functions of Regional Hospital Boards, etc.) Amendment Regulations, 1965.	S.I. 1965/1164 (1965 II, p. 3280).
The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1967.	S.I. 1967/1653 (1967 III, p. 4513).

R. H. S. Crossman,
Secretary of State for Social Services.

6th March 1969.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations consolidate the Regulations revoked by the Schedule with amendments consequential on the coming into operation of sections 1 to 6 of the Health Services and Public Health Act 1968 and the partial repeal of section 5 of the National Health Service Act 1946. The principal changes are that hospital authorities are authorised to exercise certain functions of the Secretary of State under sections 1 and 2 of the Act of 1968.