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**1981 No. 888**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Functions  
(Directions to Authorities) Regulations 1981**

<i>Made - - - -</i>	<i>24th June 1981</i>
<i>Laid before Parliament</i>	<i>2nd July 1981</i>
<i>Coming into Operation</i>	<i>1st August 1981</i>

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 upon them by sections 13, 14 and 17 of the National Health Service Act 1977(a), and of all other powers enabling them in that behalf, hereby make the following regulations:—

*Citation and commencement*

**1.** These regulations may be cited as the National Health Service Functions (Directions to Authorities) Regulations 1981 and shall come into operation on 1st August 1981.

*Interpretation*

- 2.** In these regulations, unless the context otherwise requires:—
- “the Acts” means the Nursing Homes Act 1975(b) and the National Health Service Act 1977;
  - “Area Authority” means an Area Health Authority;
  - “Regional Authority” means a Regional Health Authority;
  - “relevant Regional Authority” means in relation to any Area Authority the Regional Authority of which the region includes the area of that Area Authority.

*Functions exercisable by Regional Authorities and Area Authorities in Wales*

**3.—(1)** Subject to and in accordance with such directions as the Secretary of State may give under the powers conferred on him by the Acts:—

(a) a Regional Authority as respects its region and anywhere outside its region that the Secretary of State may direct, and

(b) an Area Authority in Wales as respects its area and anywhere outside its area that the Secretary of State may direct

shall exercise on behalf of the Secretary of State the functions specified in paragraph (2) of this regulation.

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(a) 1977 c. 49.  
(b) 1975 c. 37.

(2) The functions exercisable under paragraph (1) are the functions of the Secretary of State relating to nursing homes and mental nursing homes, under provisions of the Nursing Homes Act 1975, which are specified hereafter in this paragraph, namely:—

- (a) under section 3(3) with respect to the registration of nursing homes and mental nursing homes;
- (b) under section 4(a) with respect to the refusal of registration;
- (c) under section 8(2)(b) with respect to additional registration conditions for nursing homes and mental nursing homes;
- (d) under section 7 with respect to the cancellation of registration;
- (e) under section 9(1) with respect to the authorisation of persons to inspect mental nursing homes;
- (f) under section 11(1) with respect to proceedings in respect of an offence, and
- (g) under section 18(1) with respect to the power to exempt Christian Science homes.

*Functions to be made exercisable by Area Authorities in England*

4. Subject to and in accordance with such directions as the Secretary of State may give under the powers conferred on him by the Acts, every Regional Authority shall secure, by direction given by an instrument in writing, that each of the Area Authorities of which the area is included in its region shall, subject as aforesaid and subject to any such directions by the relevant Regional Authority, exercise as respects its area, and anywhere outside its area that the relevant Regional Authority may so direct (being, if outside the region of that Regional Authority, a locality designated for that purpose by direction of the Secretary of State), such of the Secretary of State's functions relating to the health service as are specified in regulation 3 above.

*Revocation*

5. Regulation 3(3)(i) of the National Health Service Functions (Directions to Authorities) Regulations 1974(c) is hereby revoked.

*Patrick Jenkin,*  
Secretary of State for Social Services.

22nd June 1981.

*Nicholas Edwards,*  
Secretary of State for Wales.

24th June 1981.

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(a) Section 4 was amended by the Health Services Act 1980 (c. 53), section 16 and Schedule 4, paragraph 3.

(b) Section 8 was amended by the Health Services Act 1980, section 16 and Schedule 4, paragraph 4.

(c) S.I. 1974/24.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations direct Regional Health Authorities in England and Area Health Authorities in Wales to exercise, on behalf of the Secretary of State, his functions with respect to the supervision of nursing homes and mental nursing homes. The Regulations require Regional Health Authorities in England to direct that these functions are to be exercisable by Area Health Authorities. The directions in the National Health Service Functions (Directions to Authorities) Regulations 1974 with respect to the supervision of nursing homes and mental nursing homes are revoked.

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