
STATUTORY INSTRUMENTS

2000 No. 618

The National Health Service (Payments by Local Authorities to NHS Bodies) (Prescribed Functions) Regulations 2000

Prescribed functions of relevant NHS bodies

2.—(1) Subject to paragraph (2) below, the following functions are the prescribed functions of a relevant NHS body for the purposes of section 28BB of the Act (power of local authorities to make payments to NHS bodies)—

- (a) the functions of providing, or making arrangements for the provision of, services—
 - (i) under sections 2 and 3(1) of the Act, including rehabilitation services and services intended to avoid admission to hospital, and
 - (ii) under section 5(1), (1A) and (1B) of, and Schedule 1 to, the Act⁽¹⁾; and
- (b) any function under sections 25A to 25H and 117 of the Mental Health Act 1983⁽²⁾.

(2) There are excluded from the functions prescribed under paragraph (1) above any functions in respect of—

- (a) the provision of surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments⁽³⁾ and other invasive treatments;
- (b) emergency ambulance services;
- (c) the provision of drugs and other substances which are listed in Schedule 10 to the National Health Service (General Medical Services) Regulations 1992⁽⁴⁾ or which are listed in column 1 of Schedule 11 to those Regulations in circumstances in which the conditions specified in column 3 of that Schedule are not met; and
- (d) the provision of appliances which are not listed in Part IX of the statement known as “the Drug Tariff” published and from time to time amended under regulation 18(1) of the National Health Service (Pharmaceutical Services) Regulations 1992⁽⁵⁾.

(1) Section 5(1) was amended by, and sections 5(1A) and (1B) were inserted by, the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Act 1981 (c. 60), Schedule 3, paragraph 13, the Education Reform Act 1988 (c. 40), Schedule 12, Part I, paragraph 21, and the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7.

(2) 1983 c. 20.

(3) See BS EN 60825-1: 1994 Safety of Laser Products—Class 4 laser products are defined by reference to British Standards—which is published by the British Standards Institution (“BSI”) and obtained from BSI, Linford Woods, Milton Keynes MK14 6LE.

(4) S.I. 1992/635; relevant amending instruments are S.I. 1992/2412, S.I. 1993/2421, S.I. 1994/2620, S.I. 1995/3093, S.I. 1997/981 and S.I. 1999/1627.

(5) S.I. 1992/662; relevant amending instruments are S.I. 1993/2451, S.I. 1995/644 and S.I. 1999/696.