
STATUTORY INSTRUMENTS

2001 No. 747

The National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001

Restriction on the exercise of functions by Health Authorities

4.—(1) The exercise by a Health Authority of specified health service functions is subject to such limitations as the Secretary of State may direct, and shall be in accordance with any directions which are given by the Secretary of State.

(2) Nothing in these Regulations is to be taken as giving directions for the exercise of any functions conferred on or vested in the Secretary of State with respect to—

- (a) the making of any order or regulations;
- (b) the giving of any directions; or
- (c) the determination of the amount of the remuneration, or of any allowance, which is, by virtue of these Regulations, to be paid by a Health Authority to their chairman and members.

(3) The power under section 2 of the Act (Secretary of State's general power as to services) is exercisable by a Health Authority only to such extent as is necessary for the proper exercise of one or more other functions exercisable by them.

(4) In exercising the functions of the Secretary of State under section 4 of the Act⁽¹⁾ a Health Authority may enter into an NHS contract for the provision of high security psychiatric services with the following providers only—

- (a) Ashworth Hospital Authority⁽²⁾, or
- (b) an NHS trust approved under paragraph 10(2) and (3) of Schedule 2 to the 1990 Act—
 - (i) in England, by the Secretary of State; or
 - (ii) in Wales, by the National Assembly for Wales,and may not arrange with any other person or body (including voluntary organisations) for that person or body to provide such services.

(5) Except where the Secretary of State otherwise directs, a Health Authority shall not exercise the functions of the Secretary of State under section 51(1) of the Act in so far as those functions are concerned with securing the availability of facilities for clinical teaching.

(6) Where, in the exercise of specified health service functions, arrangements are made by a Health Authority with medical practitioners for the vaccination or immunisation of persons against disease, every medical practitioner providing general medical services, or performing personal medical services in connection with a pilot scheme under the 1997 Act, in that Authority's area shall, so far as is reasonably practicable, be given an opportunity to participate in the arrangements.

(1) Section 4 of the 1977 Act was substituted by the 1999 Act, section 41(1).

(2) See S.I. 1996/488 and 1996/489, as amended by S.I. 2000/90, 2001/834 and 2001/714.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(7) Approval of a medical practitioner for the purposes of section 12(2) of the Mental Health Act 1983⁽³⁾ (approval of medical specialists) as having special experience in the diagnosis and treatment of mental disorder shall be given only—

- (a) after carrying out such consultations, and the obtaining of such advice, as the Secretary of State may direct; and
- (b) for such periods as the Secretary of State may direct.

(3) 1983 c. 20; section 12 was amended by the 1990 Act, Schedule 9, paragraph 24(1) and by S.I. 2000/90.