
STATUTORY INSTRUMENTS

2002 No. 2375

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002

Arrangements by Primary Care Trusts for exercise of functions

10.—(1) Subject to paragraphs (5) and (6) and to any directions given by the Secretary of State or, subject to any such directions, any directions given by the appropriate Strategic Health Authority with respect to its exercise, any function exercisable by a Primary Care Trust under or by virtue of the Act, the 1990 Act, Part 1 of the 1997 Act, the Health Act, the Health and Social Care Act or the 2002 Act may, by arrangement with that trust, and subject to such restrictions and conditions as that trust may think fit, be exercised—

- (a) by another Primary Care Trust;
- (b) by a Special Health Authority;
- (c) jointly with any one or more of the following—
 - (i) Strategic Health Authorities,
 - (ii) Health Authorities,
 - (iii) NHS trusts,
 - (iv) other Primary Care Trusts; or
- (d) on behalf of the trust by a committee, sub-committee or officer of the trust.

(2) Subject to paragraph (3) and to any directions given by the Secretary of State or, subject to any such directions, the appropriate Strategic Health Authority with respect to its exercise, any functions which, under paragraph (1)(b), are exercisable by a Special Health Authority may be exercised on behalf of that authority by a committee, sub-committee or officer of that authority.

(3) Paragraph (2) does not apply in the case of the Mental Health Act Commission⁽¹⁾, the Prescription Pricing Authority or the Dental Vocational Training Authority⁽²⁾.

(4) Subject to any directions given by the Secretary of State or, subject to any such directions, the appropriate Strategic Health Authority with respect to their exercise, any functions which, under paragraph (1)(c), are exercisable by a Primary Care Trust jointly with one or more Strategic Health Authorities, Health Authorities or other Primary Care Trusts (but not with any NHS trusts) may by arrangement with those health service bodies be exercised on behalf of those bodies by a joint committee or a joint sub-committee.

(5) Any function exercisable by a Primary Care Trust under or in relation to arrangements made under section 63(1) of the Health Services and Public Health Act 1968 may by arrangement with that Trust be exercised jointly with one or more Strategic Health Authorities, Health Authorities, Special Health Authorities, NHS trusts or other Primary Care Trusts.

(1) See [S.I. 1983/894](#), regulation 7.
(2) See [S.I. 1993/2210](#), regulation 6.

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

(6) Any function which a Primary Care Trust may be directed to exercise by virtue of section 51(1) of the Act in relation to the provision of facilities which are reasonably required by a university which has a medical or dental school in connection with clinical teaching may by arrangement with that trust be exercised jointly with one or more Strategic Health Authorities, Health Authorities, Special Health Authorities, NHS trusts or other Primary Care Trusts.

(7) Where it becomes apparent to two adjacent Primary Care Trusts that on 1st April of the next financial year, as a result of a change in the numbers of practice patients, or the address or addresses of one or more practice patients of any medical practitioner, the trust which is the relevant Primary Care Trust will no longer be the relevant Primary Care Trust and the other trust will be the relevant Primary Care Trust, paragraph (8) shall apply.

(8) The two adjacent Primary Care Trusts shall consult the medical practitioner as to whether the trusts in question should enter into arrangements under this regulation, or any other appropriate arrangements, for the purpose of ensuring that the Primary Care Trust which is the relevant Primary Care Trust will continue to exercise functions in relation to that practice and those practice patients.