
STATUTORY INSTRUMENTS

2002 No. 2375

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

Limitations and restrictions on the exercise of functions relevant to both Strategic Health Authorities and Primary Care Trusts

6.—(1) The exercise by a Strategic Health Authority or Primary Care Trust of the functions referred to in regulations 3 and 4 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 or, subject to any such directions, by the appropriate Strategic Health Authority.

(2) Nothing in these Regulations is to be taken as giving directions under section 16D of the Act 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 any regulations;
- (b) the giving of any directions other than under section 17(2)(d) of the Act (Secretary of State's directions: exercise of functions) and section 8(1), (2) or (4) of the 1997 Act (variation and termination of pilot schemes); 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 Strategic 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 Strategic Health Authority or Primary Care Trust only to such extent as is necessary for the proper exercise of one or more other functions exercisable by them.

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

(5) Where, in the exercise of the functions referred to in regulation 3, arrangements are made by a Strategic Health Authority or Primary Care Trust 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 the area of that Authority or trust shall, so far as is reasonably practicable, be given an opportunity to participate in the arrangements.