

2002 No. 555

NATIONAL HEALTH SERVICE, ENGLAND

**The Primary Care Trusts (Functions) (England) Amendment
Regulations 2002**

Made - - - - - *8th March 2002*
Laid before Parliament *11th March 2002*
Coming into force *1st April 2002*

The Secretary of State for Health, in exercise of powers conferred on him by sections 17, 17A(4), 18(1) and (1A) and 126(3) and (4) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Primary Care Trusts (Functions) (England) Amendment Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations “the principal Regulations” means the Primary Care Trusts (Functions) (England) Regulations 2000(b).

(3) These Regulations apply in relation to Health Authorities and Primary Care Trusts established for areas in England only.

Amendment of regulation 2 of the principal Regulations

2. In Regulation 2(1) of the principal Regulations (interpretation) the definition of “population screening programme” shall be deleted.

Amendment of regulation 3 of the principal Regulations

3.—(1) Regulation 3 of the principal Regulations (functions to be exercised by Primary Care Trusts) shall be amended as follows.

(2) Paragraph (6) shall be deleted.

(3) For paragraph (7) there shall be substituted—

“(7) The function under section 5(2)(d) of the Act is to be exercisable by a Primary Care Trust only to the extent that it does not consist of establishing or funding research ethics committees.”.

(a) 1977 c.49; section 17 was substituted by the Health Act 1999 (c.8) (“the 1999 Act”), section 12(1) and amended by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), paragraph 5(3) of Schedule 5; section 17A was inserted by the 1999 Act, section 12(1); section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), by the 1999 Act, paragraph 37(6) of Schedule 4 and by the 2001 Act, paragraph 5(13)(b) of Schedule 5; see section 128(1), as amended by section 26(2)(g) and (i) of the 1990 Act, for the definition of “prescribed” and “regulations”; Schedule 5A was inserted by Schedule 1 to the 1999 Act. The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of, and the entry for the 1977 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act. See also section 68 of the 2001 Act.

(b) S.I. 2000/695 as amended by S.I. 2001/745.

Amendment of Regulation 4 of the principal Regulations

4. Paragraph (2) of Regulation 4 of the principal Regulations (functions not to be exercisable by Primary Care Trusts) shall be deleted.

Amendment of Schedule 3 to the principal Regulations

5.—(1) Schedule 3 to the principal Regulations (regulations conferring functions to be exercisable by Primary Care Trusts) shall be amended as follows.

(2) In the entry relating to the National Health Service (General Medical Services) Regulations 1992 before “regulations 34 and 34A” there shall be inserted—

“Part 3 (practice vacancies)(a) Fully”.

(3) At the end there shall be added—

“The National Health Service Fully”
(Functions of Health
Authorities) (England)
(Support of Provision of
Services and Appraisal)
Regulations 2002(b)

Amendment of Schedule 4 to the principal Regulations

6.—(1) Schedule 4 to the principal Regulations (delegable functions which are not to be exercised by a Primary Care Trust) shall be amended as follows.

(2) The following entries shall be deleted—

(a) the entry relating to the Health and Safety at Work Act 1974;

(b) the entry relating to section 28(1), (2), (5) and (6) of the Health Act 1999.

(3) For the entry relating to the Mental Health Act 1983, there shall be substituted—

“Mental Health Act 1983— Approving registered medical practitioners as
section 12(2) having special experience in the diagnosis or
treatment of mental disorder”.

Signed by authority of the Secretary of State

8th March 2002

John Hutton
Minister of State,
Department of Health

(a) Part 3 was amended by S.I. 2002/554.

(b) S.I. 2002/545.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Primary Care Trusts (Functions) (England) Regulations (“the principal Regulations”), which make provision for functions of Health Authorities to be exercised by Primary Care Trusts and for certain restrictions on the exercise of those functions by Primary Care Trusts. The Regulations apply to Health Authorities and Primary Care Trusts in England.

The Regulations remove some of the existing restrictions on the delegation of functions by Health Authorities.

Regulation 3(2) removes the restriction in Regulation 3(6) of the principal Regulations preventing PCTs from exercising functions under the 1997 Act relating to pilot schemes made before the date on which the PCT was established except with the consent of those providing services under the scheme.

Regulation 3(3) removes the bar in Regulation 3(7) of the principal Regulations on PCTs providing emergency ambulance services, making arrangements for public health surveillance and protection, preparing plans for responding to major incidents, providing cancer registration services and preparing and implementing population screening programmes. The only restriction relates to the establishment and funding of research ethics committees.

Regulation 4 removes the bar in Regulation 4(2) of the principal Regulations on PCTs exercising certain delegable functions relating to General Medical Services.

Regulation 5 adds further regulations to the list in Schedule 3 of regulations conferring functions to be exercisable by PCTs.

Regulation 6 removes a number of functions from the list of delegable functions which are not to be exercised by a Primary Care Trust set out in Schedule 4 to the principal Regulations and amends the entry in that Schedule relating to the Mental Health Act.

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