
STATUTORY INSTRUMENTS

1991 No. 554

**The National Health Service Functions
(Directions to Authorities and Administration
Arrangements) Regulations 1991**

**PART I
GENERAL**

Citation and commencement

1. These Regulations may be cited as the National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1991 and shall come into force on 1st April 1991.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service Act 1977;

“the 1990 Act” means the National Health Service and Community Care Act 1990⁽¹⁾;

“directions” means directions given in the exercise of a power conferred by the Act and “direct” shall be construed accordingly;

“District Authority” means a District Health Authority;

“Family Authority” means a Family Health Services Authority;

“recognised fund-holding practice” shall be construed in accordance with section 14 of the 1990 Act;

“Regional Authority” means a Regional Health Authority;

“relevant Regional Authority” in relation to any District Authority means the Regional Authority of which the region includes the district of that District Authority;

“the specified health service functions” means the Secretary of State’s functions relating to the health service⁽²⁾ under the enactments specified in column 1 of the Schedule to these Regulations (the subject matter of the relevant functions being indicated in column 2 of that Schedule), including functions under any regulations made under any of those enactments.

(2) Unless the context otherwise requires, any reference in these Regulations to a numbered regulation is a reference to the regulation bearing that number in these Regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in that regulation.

⁽¹⁾ 1990 c. 19.

⁽²⁾ These include functions under enactments relating to mental health and nursing homes (see section 13(2) of the National Health Service Act 1977).

(3) In these Regulations, references to accident and emergency services are references to those services provided at the accident and emergency department of a hospital and do not include any subsequent treatment connected with the provision of those services.

(4) For the purposes of paragraph 5(c) and regulations 3, 5 and 7, a person shall be treated as present in a region or district not only when he is present within that region or district but also when he presents himself at a hospital or establishment managed by the Regional or District Authority for that region or district, even if it is outside that region or district.

(5) Subject to any directions which the Secretary of State may give as to any particular case or class of case, if there is doubt as to where a person is usually resident for the purposes of regulation 3(1)(a)(i), 5(1)(a)(i) and 7(1)(a)(i)—

- (a) he shall be treated as usually resident at the address which he gives to the person or body providing him with services as being that at which he usually resides;
- (b) where he gives no such address he shall be treated as usually resident at his most recent address being the address which he gives as his most recent address to the person or body providing him with services;
- (c) where his usual residence cannot be determined under paragraphs (a) and (b) above he should be treated as usually resident in the region or district in which he is present.