
STATUTORY INSTRUMENTS

1991 No. 554

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

PART III

DIRECTIONS TO DISTRICT AUTHORITIES

Functions to be made exercisable by District Authorities in England

5.—(1) Subject to paragraph (2) and regulation 6, every Regional Authority shall secure, by a direction given by an instrument in writing, that each District Authority of which the district is included in its region shall exercise—

- (a) functions exercisable under regulation 3(1)(a) for the benefit of—
 - (i) persons usually resident in its district;
 - (ii) persons resident outside the United Kingdom who are present in its district;
- (b) functions exercisable under regulation 3(1)(b) for the benefit of persons present in its district;
- (c) functions exercisable under regulation 3(1)(c) generally as respects its district;

at or from hospitals, establishments and facilities owned by the Secretary of State for the purpose of the health service and situated in its district or anywhere outside its district that the Secretary of State or the relevant Regional Authority may direct, as well as by means of NHS and other contracts.

(2) The functions exercisable by a District Authority under paragraph (1) do not include functions under—

- (a) section 19(1) and (2) of, and paragraphs 1, 2 and 3 of Schedule 6 to, the Act (recognition of advisory committees);
- (b) section 25 of the Act (supply of human blood);
- (c) section 12(2) of the Mental Health Act 1983 (approval of medical specialists);

(3) Each Regional Authority shall secure that no directions are given to any District Authority directing it to exercise any functions under the enactments specified in paragraph (2)(a), (b) or (c).

Restriction on exercise of functions by District Authorities in England

6.—(1) The exercise by a District Authority in England of functions to which regulation 5(1) applies 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 relevant Regional Authority.

(2) The exercise by a District Authority in England of functions to which regulation 5(1) applies is subject to the provisions of regulation 4(2), (5), (7) and (8).

(3) The power of the Secretary of State under section 2 of the Act is exercisable by a District Authority in England only to such extent as is necessary for the proper exercise of one or more other functions which the relevant Regional Authority has directed to be exercisable by that District Authority.

Functions exercisable by District Authorities in Wales

7.—(1) Subject to paragraph (2) and regulation 8, every District Authority in Wales shall exercise on behalf of the Secretary of State the specified health service functions except those under section 19(1) and (2) of, and paragraphs 1, 2 and 3 of Schedule 6 to the Act (recognition of advisory committees)—

- (a) in so far as those functions consist of providing or securing the provision of services to patients under the Act, other than the services specified in sub-paragraph (b) of this paragraph, for the benefit of—
 - (i) persons usually resident in its district;
 - (ii) persons resident outside the United Kingdom who are present in its district;
- (b) in so far as those functions consist of providing or securing the provision of—
 - (i) accident and emergency services, including ambulance services provided in connection with those services; and
 - (ii) any other services which the Secretary of State may direct, for the benefit of all persons present in its district; and
- (c) in so far as they consist of any other functions, generally as respects its district.

(2) The functions exercisable by a District Authority in Wales under paragraph (1)(a) do not include the providing or securing the provision of any services which are, or are to be, purchased by the members of a recognised fund-holding practice in accordance with regulations under section 15(7) of the 1990 Act.

(3) A District Authority in Wales shall exercise the specified health service functions in accordance with paragraph (1) at or from hospitals, establishments and facilities owned by the Secretary of State for the purposes of the health service and situated in its district or anywhere outside its district that the Secretary of State may direct, as well as by means of NHS and other contracts.

Restrictions on exercise of functions by District Authorities in Wales

8.—(1) The exercise by a District Authority in Wales of the specified health service functions is subject to the provisions of regulation 4(2), (5), (6), (7) and (8) and 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 enables a District Authority in Wales to exercise the functions of the Secretary of State under section 87(1) of the Act with respect to—

- (a) the compulsory acquisition of land; or
- (b) land or other property where the function is exercisable by a Family Authority under regulation 11(3)(a).

(3) The power of the Secretary of State under section 2 of the Act is exercisable by a District Authority in Wales only to such extent as is necessary for the proper exercise of one or more other functions which the Secretary of State has directed that Authority to exercise on his behalf.