
STATUTORY INSTRUMENTS

2001 No. 747

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001

<i>Made</i>	- - - -	<i>8th March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Secretary of State for Health, in exercise of the powers conferred on him by section 63(5A) of the Health Services and Public Health Act 1968(1), and sections 16, 16D, 17, 18, 51(2), and 126(3) and (4) of the National Health Service Act 1977(2), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001 and shall come into force on 1st April 2001.

(2) These Regulations apply in relation to Health Authorities established for an area in England only.

(1) 1968 c. 46. Section 63 was amended by the National Health Service Re-organisation Act 1973 (c. 32), Schedule 4, paragraph 124, and Schedule 5, the National Health Service Act 1977 (c. 49) (“the 1977 Act”), Schedule 15, paragraph 45, the National Health Service (Scotland) Act 1978 (c. 29), Schedule 16, paragraph 26(2), the Health Services Act 1980 (c. 53) (“the 1980 Act”), Schedule 1, paragraph 19(3), the Local Government Act 1985 (c. 51), Schedule 17, S.I. 1985/89, article 6(1), the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”), section 20 and Schedule 3, the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 95 (which also added subsection (5A)), the National Health Service (Primary Care) Act 1997 (c. 46) (“the 1997 Act”), Schedule 2, paragraph 1(4), and the Health Act 1999 (c. 8) (“the 1999 Act”), Schedule 4, paragraph 3.

(2) 1977 c. 49. Section 16 was substituted by the 1999 Act, Schedule 4, paragraph 9; sections 16D and 17 were substituted by the 1999 Act, section 12(1); section 18 was amended by the 1980 Act, Schedule 1, paragraphs 38 and 92, S.I. 1985/89, article 7, the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 10, the 1995 Act, section 3(8) and Schedule 1, paragraph 9, and the 1999 Act, section 12(3) and (4); section 51 was amended by the 1995 Act, Schedule 1, paragraph 35 (which also added subsection (2)), and by the 1999 Act, Schedule 4, paragraph 23; section 126 was amended by the 1990 Act, section 65(2), the 1995 Act, Schedule 1, paragraph 57, and the 1999 Act, Schedule 4, paragraph 37; see section 128(1), as amended by section 26(2)(i) and (g) of the 1990 Act, for the definitions of “prescribed” and “regulations”. The functions of the Secretary of State under those provisions and section 63(5A) of the Health Services and Public Health Act 1968 (“the 1968 Act”) 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 1968 and 1977 Acts 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.

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⁽³⁾;

“the 1997 Act” means the National Health Service (Primary Care) Act 1997⁽⁴⁾;

“financial year” means the period of 12 months ending with 31st March;

“the Health Act” means the Health Act 1999⁽⁵⁾;

“practice patient” means—

- (a) in relation to a medical practitioner who practises otherwise than in partnership, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with a pilot scheme under the 1997 Act⁽⁶⁾, an individual who is on that single list);
- (b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with a pilot scheme under the 1997 Act, an individual who is on that single list),

other than an individual who is resident in Scotland;

“the relevant date” means—

- (a) 1st April in the financial year preceding the financial year in which the identity of the relevant Health Authority falls to be determined;
- (b) in the case of a practitioner providing general medical services and who practices otherwise than in partnership, the date on which he first entered the Health Authority’s medical list;
- (c) in the case of a practitioner providing general medical services who is one of two or more practitioners who practice in partnership with each other, the earliest date on which any one of those practitioners entered the Health Authority’s medical list;
- (d) in the case of a practitioner performing personal medical services in connection with a pilot scheme under the 1997 Act, the date on which services were first performed under that scheme,

whichever is the latest;

“the relevant Health Authority” means—

- (a) in relation to a medical practitioner—
 - (i) who provides general medical services under Part II of the Act and does not perform personal medical services in connection with a pilot scheme;
 - (ii) whose name is included in the medical list of only one Health Authority; and
 - (iii) who practises on his own or in partnership with others all of whom are medical practitioners who provide general medical services under Part II of the Act and do not perform personal medical services in connection with a pilot scheme and whose names are included only in that Authority’s medical list,
 that Authority;

⁽³⁾ 1990 c. 19.

⁽⁴⁾ 1997 c. 46.

⁽⁵⁾ 1999 c. 8.

⁽⁶⁾ See section 1 of the 1997 Act for the definition of “pilot scheme”.

- (b) in relation to any other medical practitioner, the Health Authority in whose area, on the relevant date, most of the practice patients at that date were living;

“specified health service functions” means the Secretary of State’s functions relating to the health service⁽⁷⁾ under the enactments specified in column (1) of Schedule 1 (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) In these Regulations, unless the context otherwise requires—
 - (a) any reference to a numbered regulation or Schedule is a reference to the regulation or, as the case may be, the Schedule 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 the regulation;
 - (b) any reference to a Health Authority (other than in the definition of “relevant Health Authority” in regulation 2(1)) or a Primary Care Trust is to be construed as a reference to a Health Authority or, as the case may be, a Primary Care Trust established for an area in England;
 - (c) any reference to a Special Health Authority is to be construed as a reference to a Special Health Authority exercising functions in respect of England; and
 - (d) any reference to an NHS trust is to be construed as a reference to an NHS trust all or most of whose hospitals, establishments and facilities are situated in England.

Functions exercisable by Health Authorities

3.—(1) Subject to regulation 4, every Health Authority shall exercise the specified health service functions—

- (a) in so far as those functions consists of providing or securing the provision of services to patients, other than the services referred to in sub-paragraph (b) of this paragraph, for the benefit of—
 - (i) the practice patients of medical practitioners providing general medical services under the Act, or performing personal medical services in connection with a pilot scheme under the 1997 Act, in respect of whom the Health Authority is the relevant Health Authority; and
 - (ii) persons usually resident in their area, or resident outside the United Kingdom who are present in their area, and who are not practice patients of any medical practitioner providing general medical services under the Act or performing personal medical services in connection with a pilot scheme under the 1997 Act;
- (b) in so far as those functions consist of providing or securing the provision of—
 - (i) accident and emergency services and ambulance services;
 - (ii) any other services which the Secretary of State may direct, for the benefit of all persons present in their area; and
- (c) in so far as those functions consist of any other functions, generally as respects their area.

(2) In this regulation, references to accident and emergency services are references to those services provided at the accident and emergency department, or a minor injuries unit, of a health service hospital, and do not include any subsequent treatment connected with the provision of those services.

(7) These include functions under enactments relating to mental health and nursing homes (see section 16D(3) of the 1977 Act as inserted by section 12(1) of the 1999 Act).

(3) Nothing in regulation 3(1) limits the area in relation to which an approval of a medical practitioner for the purposes of section 12(2) of the Mental Health Act 1983⁽⁸⁾ (approval of medical specialists) given by a Health Authority shall have effect.

(4) 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 this regulation—

- (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 the address which he gives, to the person or body providing him with services, as being his most recent address;
- (c) where his usual residence cannot be determined under sub-paragraphs (a) and (b) above, he shall be treated as usually resident in the area in which he is present.

(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 whether a person is a practice patient of any medical practitioner, or as to the identity of the medical practitioner of which a person is a practice patient, for the purposes of these Regulations he shall be treated as a person who is not the practice patient of any medical practitioner.

Restriction on the exercise of functions by Health Authorities

4.—(1) The exercise by a Health Authority of specified health service functions 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.

(2) Nothing in these Regulations is to be taken as giving directions 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 regulations;
- (b) the giving of any directions; 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 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 Health Authority only to such extent as is necessary for the proper exercise of one or more other functions exercisable by them.

(4) In exercising the functions of the Secretary of State under section 4 of the Act⁽⁹⁾ a Health Authority may enter into an NHS contract for the provision of high security psychiatric services with the following providers only—

- (a) Ashworth Hospital Authority⁽¹⁰⁾, or
- (b) an NHS trust approved under paragraph 10(2) and (3) of Schedule 2 to the 1990 Act—
 - (i) in England, by the Secretary of State; or
 - (ii) in Wales, by the National Assembly for Wales,
 and may not arrange with any other person or body (including voluntary organisations) for that person or body to provide such services.

⁽⁸⁾ 1983 c. 20; section 12 was amended by the 1990 Act, Schedule 9, paragraph 24(1) and by S.I. 2000/90.

⁽⁹⁾ Section 4 of the 1977 Act was substituted by the 1999 Act, section 41(1).

⁽¹⁰⁾ See S.I. 1996/488 and 1996/489, as amended by S.I. 2000/90, 2001/834 and 2001/714.

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

(6) Where, in the exercise of specified health service functions, arrangements are made by a Health Authority 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 that Authority's area shall, so far as is reasonably practicable, be given an opportunity to participate in the arrangements.

(7) Approval of a medical practitioner for the purposes of section 12(2) of the Mental Health Act 1983⁽¹¹⁾ (approval of medical specialists) as having special experience in the diagnosis and treatment of mental disorder shall be given only—

- (a) after carrying out such consultations, and the obtaining of such advice, as the Secretary of State may direct; and
- (b) for such periods as the Secretary of State may direct.

Arrangements by Health Authorities for exercise of functions

5.—(1) Subject to paragraphs (3), (5) and (6) and to any directions which may be given by the Secretary of State with respect to its exercise, any function exercisable by a Health Authority under or by virtue of any provision of the Act, the 1990 Act or the Health Act, or any function to which paragraph (2) applies, may by arrangement with that Authority, and subject to such restrictions and conditions as that Authority may think fit, be exercised—

- (a) by another Health Authority,
- (b) by a Special Health Authority,
- (c) jointly with any one or more of the following—
 - (i) Primary Care Trusts, and
 - (ii) other Health Authorities,

or

- (d) on behalf of the Authority by a committee, sub-committee or officer of the Authority.

(2) This paragraph applies to—

- (a) any functions exercisable by a Health Authority in relation to piloted services by virtue of the Act, as extended by section 9(2) of the 1997 Act; and
- (b) any function exercisable by a Health Authority by virtue of sections 4, 6 and 18 of, and Schedule 1 to, the 1997 Act which does not fall within sub-paragraph (a).

(3) If the Secretary of State has directed Health Authorities that a function specified in the directions is not to be exercisable by Primary Care Trusts⁽¹²⁾, a Health Authority may not exercise that function jointly with a Primary Care Trust.

(4) Subject to paragraphs (5) and (6) and to any directions which may be given by the Secretary of State with respect to its exercise, any function exercisable by a Health Authority jointly with Primary Care Trusts or other Health Authorities under paragraph (1)(c) may by arrangement with the health service bodies in question, and subject to such restrictions and conditions as the Authority may think fit, be exercised on behalf of those bodies by a joint committee or joint sub-committee.

(5) Any function exercisable by a Health Authority 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

⁽¹¹⁾ 1983 c. 20; section 12 was amended by the 1990 Act, Schedule 9, paragraph 24(1) and by S.I. 2000/90.

⁽¹²⁾ See section 17A(4) of the 1977 Act, as inserted by section 12 to the Health Act, and S.I. 2000/695.

Authority be exercised jointly with one or more other Health Authorities, Special Health Authorities, Primary Care Trusts or NHS trusts.

(6) Any functions which a Health Authority 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 Authority be exercised jointly with one or more other Health Authorities, Special Health Authorities, Primary Care Trusts or NHS trusts.

(7) Any function exercisable by a Health Authority under section 15(2) of the Nurses, Midwives and Health Visitors Act 1997⁽¹³⁾ may by arrangement with that Authority be exercised—

- (a) by another Health Authority,
- (b) jointly with any one or more other Health Authorities,
- (c) on behalf of the Authority by—
 - (i) a committee, sub-committee or officer of the Authority, or
 - (ii) a joint committee, or joint sub-committee, of that Authority and one or more other Health Authorities.

Arrangements with health service bodies in Wales

6.—(1) Subject to any directions which may be given by the Secretary of State, an English Health Authority may enter into arrangements with a Welsh Health Authority for the functions specified in paragraph (3)—

- (a) which are exercisable by the English Health Authority, to be exercised by the Welsh Health Authority;
- (b) which are exercisable by the Welsh Health Authority, to be exercised by the English Health Authority.

(2) Subject to any directions which may be given by the Secretary of State, one or more English Health Authorities may enter into arrangements with one or more Welsh Authorities for the functions specified in paragraph (3) which are exercisable by all the Health Authorities in question, to be exercised—

- (a) jointly by those Authorities, or
- (b) on behalf of those Authorities, by a joint committee or joint sub-committee.

(3) The functions referred to in paragraphs (1) and (2) are any functions exercisable by a Health Authority—

- (a) under or by virtue of the Act or the 1990 Act;
- (b) in relation to piloted services by virtue of the Act, as extended by section 9(2) of the 1997 Act;
- (c) by virtue of sections 4, 6 and 18 of, and Schedule 1 to, the 1997 Act which do not fall within sub-paragraph (b);
- (d) under section 15(2) of the Nurses, Midwives and Health Visitors Act 1997; and
- (e) under or by virtue of the Health Act.

(4) An English Health Authority may enter into arrangements with a Welsh Health Authority or NHS trust for any functions exercisable by the English Health Authority under or in relation to arrangements made under section 63(1) of the Health Service and Public Health Act 1968 to be exercised jointly by the English Health Authority with that Welsh Health Authority or NHS trust.

(13) 1997 c. 24.

(5) An English Health Authority may enter into arrangements with a Welsh Health Authority or NHS trust for any functions which the English Health Authority 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 to be exercised jointly by the English Health Authority with that Welsh Health Authority or NHS trust.

(6) In this regulation—

“English Health Authority” means a Health Authority established for an area in England only;

“Welsh Health Authority” means a Health Authority established for an area in Wales only.

“Welsh NHS trust” means an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales.

Revocations

7. The regulations specified in column (1) of Schedule 2, in so far as they relate to England, are revoked to the extent specified in column (3) of that Schedule.

Signed by authority of the Secretary of State for Health

8th March 2001

John Denham
Minister of State,
Department of Health

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SCHEDULE 1

Regulation 2(1)

ENACTMENTS CONFERRING FUNCTIONS EXERCISABLE BY HEALTH AUTHORITIES

Column (1) <i>Enactment</i>	Column (2) <i>Subject matter</i>
Ministry of Health Act 1919(14)— section 2	Securing preparation, carrying out and co-ordination of measures conducive to public health
Health Services and Public Health Act 1968— section 63(1), (5) and (6)	Providing for instruction of officers of Health Authorities and other persons employed or contemplating employment in activities connected with health or welfare
section 64(1)	Giving financial assistance to voluntary organisations
Chronically Sick and Disabled Persons Act 1970(15)— section 17	Provisions with respect to separation of younger from older patients in hospital
The Act— section 2	Providing services considered appropriate for discharging duties imposed on the Secretary of State and doing other things calculated to facilitate the discharge of such duties
section 3(1)(a) and (b)	Providing hospital and other accommodation
section 3(1)(c)	Providing medical, dental and ambulance services
section 3(1)(d)	Providing facilities for the care of expectant and nursing mothers and young children
section 3(1)(e)	Providing facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have suffered illness
section 3(1)(f)	Providing other services required for the diagnosis or treatment of illness
section 4(16)	Providing high security psychiatric services
section 5(1)(a) and (1A), and paragraph 1 of Schedule 1(17)	Providing for the medical inspection and treatment of pupils, their dental inspection and treatment and their education in dental health
section 5(1)(b)	Arranging for the giving of advice on contraception, for the medical examination of persons seeking such advice, for the

(14) 1919 c. 21; section 2 was amended by S.I. 1968/1699, article 5(3) and Schedule.

(15) 1970 c. 44; section 17 was amended by the National Health Service Reorganisation Act 1973 (c. 32), Schedule 4, paragraph 132.

(16) Section 4 was substituted by the 1999 Act, section 41(1).

(17) Section 5(1) was amended by the 1988 Act, Schedule 3; section 5(1A) and (1B) was inserted by the 1988 Act, section 10(1); Schedule 1 was amended by the 1988 Act, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

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Column (1) <i>Enactment</i>	Column (2) <i>Subject matter</i>
	treatment of such persons and for the supply of contraceptive substances and appliances
section 5(2)(b)	Providing accommodation and treatment outside Great Britain for persons suffering from respiratory tuberculosis
section 5(2)(d)	Conducting or assisting, by grants or otherwise, persons to conduct research into matters relating to illness or other matters connected with a service under the Act
section 23(1)	Arranging with any person or body (including a voluntary organisation) for that person or body to provide or assist in providing any service under the Act
section 23(2)	Making available to certain persons or bodies (including voluntary organisations) facilities and services of persons employed in connection with such facilities
section 23(3)	Agreeing terms and payments in connection with arrangements made under section 23 of the Act
section 26(1)	Supplying goods, services and other facilities to local authorities and other public bodies and carrying out maintenance work in connection with any land or building the maintenance of which is a local authority responsibility
section 26(2)(18)	Supplying prescribed goods, materials or other facilities to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services or providing personal medical services or personal dental services in connection with a pilot scheme under the 1997 Act
section 26(3)	Making available to local authorities any services or other facilities and the services of employed persons to enable local authorities to discharge their functions relating to social services, education and public health
section 26(4)(19)	Making available to local authorities the services of practitioners to enable such authorities to discharge their functions relating to social services, education and public health

(18) Section 26(2) was substituted by the 1997 Act, Schedule 2, paragraph 5(2).

(19) Section 26(4) was inserted by the 1980 Act, section 3(1) and amended by the 1995 Act, Schedule 1, paragraph 14(b), the 1997 Act, Schedule 2, paragraph 5(3), and the 1999 Act, Schedule 4, paragraph 11(c).

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Column (1) <i>Enactment</i>	Column (2) <i>Subject matter</i>
section 27(1) and (2)	Providing for consultation before the services of any officer of a Health Authority are made available to a local authority
section 27(4)	Agreeing terms and charging for services and facilities provided under section 26 of the Act
section 51(1)	Securing the availability of facilities for research connected with clinical medicine or dentistry
section 52	Making accommodation available in connection with the provision of services under Part II of the Act
section 63	Authorising use of hospital accommodation, determining the extent to which it is to be made available and determining and recovering charges in respect of the use of such accommodation
section 72(1), (3) and (4)	Making available health service accommodation or facilities for the purpose of providing medical, dental, pharmaceutical, ophthalmic or chiropody services to non-resident private patients
section 81	Charging and recovering charges for more expensive supplies
section 82	Charging for replacement or repair of appliances and vehicles in certain circumstances
section 83A(1)(b)(20)	Paying travelling expenses in prescribed circumstances
section 87(1) and (2)	Acquiring land or other property required for the purposes of the Act and the use or maintenance of any property belonging to the Secretary of State by virtue of the Act
section 121	Determining charges for prescribed services provided in respect of prescribed non-residents
Schedule 5, paragraph 9(1) and (4)	Payment of remuneration and allowances to chairman and members of the Health Authority
Mental Health Act 1983(21)— section 12(2)	Approving medical practitioners as having special experience in the diagnosis or treatment of mental disorder

(20) Section 83A was inserted by the Social Security Act 1988, section 14(1), subsection (1)(b) was amended by the 1990 Act, Schedule 9, paragraph 18(5)(a), and by S.I. 2000/90, article 13(5)(a).

(21) 1983 c. 20.

Column (1) <i>Enactment</i>	Column (2) <i>Subject matter</i>
Registered Homes Act 1984(22)— section 23(3), (4) and (5)	Registration of nursing homes and mental nursing homes
section 25	Refusal of registration
section 26	Conduct of homes
section 27	Supplementary
section 28	Cancellation of registration
section 29(2) and (3)	Additional registration conditions
section 30(1), (2) and (4)	Urgent procedure for cancellation of registration
section 31	Ordinary procedure for registration, cancellation, variation of conditions and additional conditions
section 32(1), (2), (3) and (5)	Representations
section 33(1) and (3)	Decisions
section 34(2) and (7)	Appeals
section 35(1) and (3)	Authorisation of persons to inspect mental nursing homes
section 37(1) and (3)	Exemption of Christian Science homes
section 53(1)	Criminal proceedings

SCHEDULE 2

Regulation 7

REGULATIONS REVOKED BY THESE REGULATIONS

Column (1) <i>Title of Regulations</i>	Column (2) <i>Serial Number</i>	Column (3) <i>Extent of revocation</i>
The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996	S.I. 1996/708	The whole Regulations, except regulation 5(5) and (6)
The National Health Service (Pilot Schemes: Miscellaneous Provisions and Consequential Amendments) Regulations 1998	S.I. 1998/646	Regulation 16
The National Health Service (Functions of Health	S.I. 1999/628	The whole Regulations

(22) 1984 c. 23.

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Column (1) <i>Title of Regulations</i>	Column (2) <i>Serial Number</i>	Column (3) <i>Extent of revocation</i>
Authorities and Administration Arrangements) Amendment Regulations 1999		
The National Health Service (Functions of Health Authorities and Administration Arrangements) Amendment Regulations 2000	S.I. 2000/267	The whole Regulations

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for functions of the Secretary of State relating to the health service to be exercised by Health Authorities in England (regulation 3 and Schedule 1), and for the exercise of those functions to be subject to certain restrictions (regulation 4). They also provide for the arrangements under which functions may be exercised jointly with other Authorities or Primary Care Trusts, or by committees, sub-committees or officers (regulation 5). In addition, they make provision for Health Authorities in England to enter arrangements with Health Authorities and NHS trusts in Wales (regulation 6).

The Regulations replace with amendments the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 (“the 1996 Regulations”), in so far as those regulations relate to Health Authorities in England; the 1996 Regulations remain in force in relation to Special Health Authorities. The principal changes to the 1996 Regulations are contained in regulations 3, 5 and 6, and Schedule 1. Regulation 3(1) provides that, subject to certain exceptions, a Health Authority must exercise their functions, in so far as those functions consist of providing or securing the provision of services to patients, for the benefit of the patients of each general medical practice whose patients are mainly drawn from the area of the Authority. In addition, regulation 3(3) clarifies that a Health Authority approval of a medical practitioner for the purposes of section 12(2) of the Mental Health Act 1983 (as having special experience in the diagnosis and treatment of mental disorder) is not limited to that Authority’s area. The amendments made in regulation 5 (arrangements by Health Authorities for the exercise of functions) are consequential upon the substitution of section 16 of the National Health Service Act 1977 by paragraph 9 of Schedule 4 to the Health Act 1999, in particular, Health Authorities are able to exercise functions jointly with Primary Care Trusts. Regulation 6 makes provision for arrangements with health service bodies in Wales.