



# National Health Service Act 1977

## 1977 CHAPTER 49

### PART I

#### SERVICES AND ADMINISTRATION

##### *Local administration*

### **8 Regional and Area Health Authorities**

(1) It is the Secretary of State's duty to establish by order in accordance with Part I of Schedule 5 to this Act—

- (a) authorities, to be called Regional Health Authorities, for such regions in England as he may by order determine, and
- (b) authorities, to be called either Area Health Authorities or (in accordance with section 9 below) Area Health Authorities (Teaching), for such areas in Wales and those regions as he may by order determine,

and orders determining regions or areas in pursuance of this subsection shall be separate from orders establishing authorities for the regions or areas.

Any reference in the following provisions of this Act to an Area Health Authority includes a reference to an Area Health Authority (Teaching) unless the context otherwise requires.

- (2) The Secretary of State may by order vary the region of a Regional Health Authority or the area of an Area Health Authority whether or not the variation entails the determination of a new or the abolition of an existing region or area.
- (3) It is the Secretary of State's duty to exercise the powers conferred on him by the preceding provisions of this section so as to secure—
  - (a) that the regions determined in pursuance of those provisions together comprise the whole of England, that the areas so determined together comprise the whole of Wales and those regions and that no region includes part only of any area ; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) that the provision of health services in each region can conveniently be associated with a university which has a school of medicine or with two or more such universities.
- (4) An order made by virtue of subsection (2) above may (without prejudice to the generality of section 126(4) below) contain such provisions for the transfer of officers, property, rights and liabilities as the Secretary of State thinks fit.
- (5) It is the Secretary of State's duty before he makes an order under subsection (2) to consult with respect to the order—
  - (a) such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order; and
  - (b) such other bodies as he considers are concerned with the order.

## **9 Special provisions for Area Health Authorities (Teaching)**

- (1) An order establishing an Authority in pursuance of paragraph (b) of section 8(1) above may provide for it to be called an Area Health Authority (Teaching) if and only if the Secretary of State is satisfied that the Authority is to provide for a university or universities substantial facilities for undergraduate or post-graduate clinical teaching.
- (2) Where the Secretary of State is satisfied that an Area Health Authority is to provide, or is providing such facilities, he may provide by order for the Authority to be called an Area Health Authority (Teaching), and, where he is satisfied that an Area Health Authority (Teaching) no longer provides such facilities, he may provide by order for the Authority to be called an Area Health Authority.
- (3) It is the Secretary of State's duty, before providing that an Authority shall be called or cease to be called an Area Health Authority (Teaching), to consult the university or universities concerned with the facilities in question.

## **10 Family Practitioner Committees**

It is the duty of each Area Health Authority to establish for its area, in accordance with Part II of Schedule 5 to this Act, a body called a Family Practitioner Committee, and each Family Practitioner Committee has the duty described in section 15 below.

## **11 Special health authorities**

- (1) If the Secretary of State considers that a special body should be established for the purpose of performing any functions which he may direct the body to perform on his behalf, or on behalf of an Area Health Authority or a Family Practitioner Committee, he may by order establish a body for that purpose.
- (2) The Secretary of State may, subject to the provisions of Part III of Schedule 5 to this Act, make such further provision relating to that body as he thinks fit.
- (3) A body established in pursuance of this section shall (without prejudice to the power conferred by subsection (4) below to allocate a particular name to the body) be called a special health authority.

- (4) Without prejudice to the generality of the power conferred by this section to make an order (or of section 126(4) below), that order may in particular contain provisions as to—
- (a) the membership of the body established by the order;
  - (b) the transfer to the body of officers, property, rights and liabilities; and
  - (c) the name by which the body is to be known.
- (5) It is the Secretary of State's duty before he makes such an order to consult with respect to the order such bodies as he may recognise as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.

## **12 Supplementary provisions for ss. 8 to 11**

The provisions of Part III of Schedule 5 to this Act have effect, so far as applicable, in relation to—

- (a) Regional Health Authorities and Area Health Authorities established under section 8 above ;
- (b) Family Practitioner Committees established under section 10 above;
- (c) any special health authority established under section 11 above.

## **13 Secretary of State's directions**

- (1) The Secretary of State may direct a Regional Health Authority, an Area Health Authority of which the area is in Wales or a special health authority to exercise on his behalf such of his functions relating to the health service as are specified in the directions, and (subject to section 14 below) it shall be the duty of the body in question to comply with the directions.
- (2) The Secretary of State's functions under subsection (1) above—
- (a) include any of his functions under enactments relating to mental health and nursing homes, but
  - (b) exclude the duty imposed on him by section 1(1) above to secure the effective provision of the services mentioned in section 15 below.

## **14 Regional Health Authority's directions**

- (1) A Regional Health Authority may direct any Area Health Authority of which the area is included in its region to exercise such of the functions exercisable by the Regional Health Authority by virtue of section 13 above as are specified in the directions, and it is the Area Health Authority's duty to comply with the directions.
- (2) If the Secretary of State directs a Regional Health Authority to secure that any of its functions specified in his directions are or are not exercisable by an Area Health Authority it is the Regional Health Authority's duty to comply with his directions.

## **15 Duty of Family Practitioner Committee**

- (1) It is the duty of each Family Practitioner Committee, in accordance with regulations—
- (a) to administer, on behalf of the Area Health Authority by which the Committee was established, the arrangements made in pursuance of this Act for the provision of general medical services, general dental services, general

ophthalmic services and pharmaceutical services for the area of the Authority,  
and

(b) to perform such other functions relating to those services as may be prescribed.

(2) If it appears to the Secretary of State that, in consequence of regulations made by virtue of the preceding provisions of this section, references to an Area Health Authority in particular provisions of this Act should be construed as references to a Family Practitioner Committee, he may by regulations provide accordingly.

## **16 Exercise of functions**

(1) Regulations may provide for functions exercisable by virtue of the provisions of sections 13 to 15 above by a body other than an Area Health Authority, or exercisable by virtue of any provision of this Act by an Area Health Authority, to be exercisable on behalf of the body in question—

(a) by an equivalent body or by another body of which the members consist only of the body and equivalent bodies;

(b) by a committee, sub-committee or officer of the body or an equivalent body or such another body as aforesaid ;

(c) in the case of functions exercisable by an Area Health Authority, by a special health authority, an officer of such an authority or a Family Practitioner Committee ;

(d) in the case of functions exercisable by a Family Practitioner Committee, by a special health authority, an officer of such an authority or an officer of an Area Health Authority.

(2) For the purposes of subsection (1) above, a Regional or Area Health Authority or a Family Practitioner Committee is equivalent to another body of the same name and a special health authority is equivalent to another such authority.

(3) Nothing in this section shall be construed as precluding any body from acting by an agent where it is entitled so to act apart from this section.

## **17 Directions as to exercise of functions**

The Secretary of State may give directions with respect to the exercise of any functions exercisable by virtue of sections 13 to 16 above, or by an Area Health Authority by virtue of Part II of this Act; and, subject to any directions given by the Secretary of State by virtue of this section—

(a) a Regional Health Authority may give directions with respect to the exercise by an Area Health Authority of which the area is included in its region, of any functions exercisable by the Area Health Authority by virtue of section 14 above,

(b) an Area Health Authority may give directions with respect to the exercise by the Family Practitioner Committee established by it of any functions which are exercisable by the Committee by virtue of section 15 above and are prescribed for the purposes of this paragraph,

and it shall be the duty of the body in question to comply with the directions.

## **18 Directions under ss. 13 to 17 generally**

- (1) Any directions given by the Secretary of State in pursuance of sections 13 to 17 above shall be given either by regulations or by an instrument in writing, except that—
  - (a) any such directions in pursuance of section 13 above in respect of functions relating to special hospitals, and
  - (b) any such directions in respect of functions conferred on the Secretary of State by section 20(1) or (2) below,shall only be given by regulations.
- (2) Any directions given by an Authority in pursuance of sections 13 to 17 shall be given by an instrument in writing.
- (3) Directions given and regulations made under sections 13 to 17 in respect of any function—
  - (a) shall not, except in prescribed cases, preclude a body or person by whom the function is exercisable apart from the directions or regulations from exercising the function, and
  - (b) may in the case of directions given by an instrument in writing be varied or revoked by subsequent directions given in pursuance of those sections and this section (without prejudice to the operation of section 32(3) of the Interpretation Act 1889 in the case of directions given by regulations),so, however, that an Area Health Authority shall not be entitled to exercise any functions which, by virtue of section 15 above, are exercisable by the Family Practitioner Committee established by the Authority.