



Health Act 1999

1999 CHAPTER 8

PART I

THE NATIONAL HEALTH SERVICE

Local administration

^{x1}12 **Directions.**

(1) For section 17 of the 1977 Act (Secretary of State's directions) there is substituted—

“ Directions as to distribution and exercise of functions

16D Secretary of State's directions: distribution of functions.

- (1) The Secretary of State may direct a Health Authority or Special Health Authority to exercise any of his functions relating to the health service which are specified in the directions.
- (2) The Secretary of State may direct a Special Health Authority to exercise any functions of a Health Authority or a Primary Care Trust which are specified in the directions.
- (3) The functions which may be specified in directions under this section include functions under enactments relating to mental health and nursing homes.

17 Secretary of State's directions: exercise of functions.

- (1) The Secretary of State may give directions to any of the bodies mentioned in subsection (2) below about their exercise of any functions.
- (2) The bodies are—
 - (a) Health Authorities;

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- (b) Special Health Authorities;
 - (c) Primary Care Trusts;
 - (d) NHS trusts.
- (3) The power conferred by subsection (1) above shall not be exercised so as to give any directions which may be given under—
- (a) section 27, 28A, 41A, 97, 97A or 99 of, or paragraph 10 of Schedule 5 or paragraph 9 of Schedule 5A to, this Act;
 - (b) section 7(3)(ii) of the ^{M1}Health and Medicines Act 1988 (directions about the exercise of powers for financing the health service); or
 - (c) section 28 of the ^{M2}Health Act 1999 (plans for improving health etc.).

17A Health Authority’s directions: distribution of functions.

- (1) A Health Authority may direct a Primary Care Trust whose area falls within their area to exercise any specified delegable functions.
- (2) A function is a delegable function for the purposes of this section if it is a function exercisable by the Health Authority which is not an excepted function.
- (3) In subsection (2) above “excepted function” means a function under—
- (a) section 4 above;
 - (b) section 15 above (except in so far as it relates to general medical services);
 - (c) section 44 or 45(1C) to (4) below; or
 - (d) any of the other provisions of Part II of this Act—
 - (i) unless it is a function under section 51, 52 or 53; or
 - (ii) in relation to the remaining provisions of Part II, except in so far as the function relates to general medical services,
 or a function referred to in section 28EE(1)(a) to (d) below.
- (4) The Secretary of State may direct Health Authorities that specified delegable functions—
- (a) are to be exercisable, or exercisable to (or only to) any specified extent, by Primary Care Trusts; or
 - (b) are not to be exercisable by Primary Care Trusts,
- and that the power under subsection (1) above is to be exercised accordingly.
- (5) In this section “specified” means specified in directions.

17B Health Authority’s directions: exercise of functions.

- (1) A Health Authority may give directions to a Primary Care Trust about its exercise of any functions which the authority have directed the trust to exercise under section 17A above.
- (2) Directions under this section have effect subject to any directions given under section 17 above.”
- (2) Subsection (3) of section 17 of the ^{M3}1977 Act applies in relation to the powers to give directions conferred by sections 4, 6 and 8 of the National Health Service

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(Primary Care) Act 1997 (proposals for, and making, variation and termination of, pilot schemes) as it applies in relation to the powers conferred by any of the provisions mentioned in paragraphs (a) to (c) of that subsection.

- (3) For section 18 of the 1977 Act (directions and regulations under sections 11 to 17) down to the end of subsection (1) there is substituted—

“ Directions and regulations: general

18 Directions and regulations under preceding provisions.

- (1) Any directions given by the Secretary of State under section 16D, 17 or 17A above shall be given by regulations or by an instrument in writing.

(1A) But any directions given by him—

- (a) under section 16D above about functions under section 4 above;
- (b) under section 17A(4) above about functions relating to general medical services; or
- (c) under section 16D, 17 or 17A above about functions conferred on the Secretary of State by section 20(1) or (2) below,

shall be given by regulations.

(1B) Directions given by a Health Authority under section 17A or 17B above shall be given by an instrument in writing.”

- (4) In subsection (3) of that section, for “11 to 17” there is substituted “ 16 to 17B above”.

- (5) Section 13 of the 1977 Act (Secretary of State’s directions) is to cease to have effect.

Editorial Information

- X1** Editorial Note: s. 12(2) was substituted by Health and Social Care Act 2001 c. 15, ss. 67, 70(2), **Sch. 6 Pt. 1**, coming into force immediately before the National Health Service Act 2006 c. 41 (which Act came into force on 1.3.2007 in accordance with s. 227(1) (subject to s. 277(2)-(5) of that Act). The amendment was superseded by the repeal of s. 12 on 1.3.2007 by the National Health Service (consequential Provisions) Act 2006 c. 43, ss. 6, 8(2), **Sch. 4**

Commencement Information

- II** S. 12 wholly in force at 4.1.2000; s. 12 not in force at Royal Assent see s. 67(1); s. 12(1)(3)(4) in force for certain purposes (E.) at 1.9.1999 by S.I. 1999/2342, art. 2(1), **Sch. 1**; s. 12(2)(5) in force at 1.9.1999 by S.I. 1999/2342, art. 2(1), **Sch. 1**; S. 12(1)(3)(4) in force for certain purposes (W.) at 1.12.1999 by S.I. 1999/3184 (W. 42), art. 2(2), Sch. 2; s. 12(2)(5) in force (W.) at 1.12.1999 by S.I. 1999/3184 (W. 42), art. 2(2), Sch. 2; s. 12 in force (E.) insofar as not already in force at 4.1.2000 by S.I. 1999/2342, art. 2(3)(a), **Sch. 2**

Marginal Citations

- M1** 1988 c.49.
M2 1999 c.8.
M3 1997 c.46.

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Changes to legislation:

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