

SCHEDULE 1

Regulation 3(2)(a)

ENACTMENTS CONFERRING FUNCTIONS WHICH ARE EXERCISABLE
BY HEALTH AUTHORITIES UNDER THE FUNCTIONS REGULATIONS
AND WHICH ARE TO BE EXERCISED BY PRIMARY CARE TRUSTS

<i>Column (1)</i> <i>Enactment</i>	<i>Column (2)</i> <i>Subject matter</i>
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
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 5(1)(a) and (1A), and paragraph 1 of Schedule 1(1)	Providing for the medical inspection and treatment of pupils, their dental inspection and treatment and their education in dental health
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.

(1) Section 5(1) was amended by the Health and Medicines Act 1988 (c. 49) (“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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<i>Column (1)</i> <i>Enactment</i>	<i>Column (2)</i> <i>Subject matter</i>
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)	Supplying prescribed goods, materials or other facilities to person providing general medical services, general dental services, general ophthalmic services or pharmaceutical services
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)	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
section 27(1) and (2)	Providing for consultation before the services of any officer of a Primary Care Trust 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 83A(1)(b)	Paying travelling expenses in prescribed circumstances
section 83A(1)(c)	Re-imbursement of Health Authorities, Primary Care Trusts and NHS trusts, of payments of travelling expenses
section 121	Determining charges for prescribed services provided in respect of prescribed non-residents

SCHEDULE 2

Regulation 3(2)(b)

OTHER ENACTMENTS CONFERRING FUNCTIONS
TO BE EXERCISED BY PRIMARY CARE TRUSTS

<i>Column (1)</i> <i>Enactments</i>	<i>Column (2)</i> <i>Subject matter</i>
The Act–	
section 45(1)	Consulting local medical committees
Mental Health Act 1983(2)–	
section 25A(6) to (8)	Accepting applications for supervision of persons leaving hospital after detention under the Mental Health Act 1983, consulting local social services authority before acceptance and informing patients and other persons that an application has been accepted
section 25C(6)	Consenting to amendments to applications under section 25A or recommendations under section 25B
section 25D(1)	Imposing requirements for the purpose of securing that a patient receives after-care under supervision
section 25E	Reviewing and modifying after-care under supervision and informing a patient and other persons of the name of the person who becomes the community responsible medical officer or supervisor
section 25F(1) and (4)	Receiving reclassification reports and informing the patient and the patient’s nearest relative
section 25G(3) and (8)	Receiving renewal reports and informing the patient and other persons
section 25H(6)	Informing the patient and other persons that the patient has ceased to be subject to after-care under supervision
section 117(2)	Providing after-care services for a person leaving hospital after detention under the Mental Health Act 1983
section 117(2A)	Securing that while a patient is subject to after-care under supervision a registered medical practitioner approved for the purposes of section 12 of the Mental Health Act 1983 is in charge of his medical treatment and that a

(2) 1983 c. 20; sections 25A to 25H were inserted by section 1 of the Mental Health (Patients in the Community) Act 1995 (c. 52).

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<i>Column (1)</i> <i>Enactments</i>	<i>Column (2)</i> <i>Subject matter</i>
section 140	person professionally concerned with any of the after-care services is supervising the patient
The National Health Service and Community Care Act 1990(3)–	Notifying local social services authorities of hospitals having arrangements for reception of urgent cases
section 18	Indicative amounts for doctor’s practices
The 1997 Act–	
sections 1 and 2	Making agreements for the provision of personal medical services under a pilot scheme
section 6	Implementing proposals for a pilot scheme and publishing details of the scheme

SCHEDULE 3

Regulation 3(2)(c)

REGULATIONS CONFERRING FUNCTIONS TO BE EXERCISABLE BY PRIMARY CARE TRUSTS

<i>Column (1)</i> <i>Regulations</i>	<i>Column (2)</i> <i>Extent</i>
The National Health Service (General Medical Services) Regulations 1992(4)–	
regulations 34 and 34A (payments to doctors)	In so far as the functions exercisable by a Health Authority under or by virtue of those regulations consist of, or relate to, the reimbursement of expenses of persons providing general medical services or suspended doctors and the determination of the amounts of such reimbursement– (a) where those expenses consist of– (i) the costs of providing practice premises, including the surrender of a lease on unsatisfactory premises and the improvement of existing premises(5);

(3) 1990 c. 19.

(4) S.I. 1992/635; regulation 34 was amended by S.I. 1993/540 and 1997/2468; regulation 34A was inserted by S.I. 1995/3093; regulations 34B and Schedule 7A were inserted by S.I. 1997/2468; regulation 35 was amended by S.I. 1996/702 and 1997/2468.

(5) See paragraphs 51 (excluding “notional rent” under 51.22, 51.24–25 and 51.38–49), 55 and 56 of the “Statement of Fees and Allowances payable to General Medical Practitioners in England and Wales” (1996 edition) prepared under regulation 34 of the National Health Service (General Medical Services) Regulations 1992 (“the Statement”), a copy of which may be obtained by writing to the Department of Health, PC-GMS, Room 7E01, Quarry House, Leeds, LS2 7UE.

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<i>Column (1)</i> <i>Regulations</i>	<i>Column (2)</i> <i>Extent</i>
	(ii) expenditure on practice staff ⁽⁶⁾ ; and (iii) the costs of purchasing, upgrading, leasing or maintaining a computer system ⁽⁷⁾ , and (b) which are designated expenses for the purpose of paragraph 1(2)(a) of Schedule 12A to the Act ⁽⁸⁾ , excluding the direct reimbursement of expenses incurred in delivering general medical services to NHS patients outside normal hours under the Out of Hours Development Scheme ⁽⁹⁾ .
regulation 34B and Schedule 7A (GMS local development schemes)	Fully
regulation 35 (claims and overpayments)	In so far as the functions under or by virtue of that regulation concern claims for, or the recovery of, payments under regulations 34 and 34A in respect of the expenses referred to in the entry in this column relating to those regulations.
The National Health Service (Functions of Health Authorities) (Prescribing Incentive Schemes) Regulations 1998 ⁽¹⁰⁾	Fully

SCHEDULE 4

Regulation 4(1)

DELEGABLE FUNCTIONS WHICH ARE NOT TO BE EXERCISED BY A PRIMARY CARE TRUST

<i>Column (1)</i> <i>Enactments</i>	<i>Column (2)</i> <i>Subject matter</i>
Health and Safety at Work Act 1974— section 60(1)	Arranging for medical practitioners to furnish medical records etc to an employment medical adviser
The Act— paragraph 9(1) and (4) of Schedule 5	Payment of remuneration and allowances to chairman and members of a Health Authority
Mental Health Act 1983—	

⁽⁶⁾ See paragraph 52 of the Statement.

⁽⁷⁾ See paragraph 58 of the Statement.

⁽⁸⁾ Schedule 12A was inserted by the 1999 Act, section 4(1).

⁽⁹⁾ See paragraph 59 of the Statement.

⁽¹⁰⁾ S.I. 1998/632.

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<i>Column (1)</i> <i>Enactments</i>	<i>Column (2)</i> <i>Subject matter</i>
the whole Act, except the sections specified in Schedule 2 to these Regulations	Various matters relating to the treatment and detention of mentally disordered persons
Registered Homes Act 1984 (11)	Registration and inspection of residential care homes and nursing homes
Water Industry Act 1991– section 87	Requesting fluoridation of water supplies
Nurses, Midwives and Health Visitors Act 1997 (12) – section 15(2)	Local supervision of midwifery practice
Health Act 1999– section 18(1)	Putting and keeping in place arrangements for monitoring and improving the quality of health care which the Health Authority provides to individuals
section 28(1), (2), (5) and (6)	Preparing and reviewing plans setting out a strategy for improving health and the provision of health care

(11) 1984 c. 23.

(12) 1997 c. 24.