
STATUTORY INSTRUMENTS

2001 No. 747

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

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⁽¹⁾, 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 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

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

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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⁽²⁾ 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.

(2) 1997 c. 24.