
STATUTORY INSTRUMENTS

2002 No. 2375

The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002

Functions of the Secretary of State exercisable by Strategic Health Authorities and Primary Care Trusts

3.—(1) Subject to regulations 6 and 8, the Secretary of State's functions relating to the health service under the enactments specified in column (1) of Part 1 of Schedule 1 (the subject matter of the relevant functions being indicated in column (2) of that Schedule) are to be exercisable by both Strategic Health Authorities and Primary Care Trusts.

(2) Subject to regulations 6 and 8, the Secretary of State's functions relating to the health service under the enactments specified in column (1) of Part 2 of Schedule 1 (the subject matter of the relevant functions being indicated in column (2) of that Schedule) are to be exercisable by—

- (a) Primary Care Trusts; and
- (b) Strategic Health Authorities but only to the extent necessary to support and manage the performance of Primary Care Trusts in the exercise of those functions.

(3) Subject to regulations 6 and 7, the Secretary of State's functions relating to the health service under the enactments specified in column (1) of Schedule 2 (the subject matter of the relevant functions being indicated in column (2) of that Schedule) are to be exercisable by Strategic Health Authorities.

(4) In exercising the functions referred to in paragraphs (1) to (3), Strategic Health Authorities and Primary Care Trusts shall have regard to the NHS Plan published in July 2000⁽¹⁾.

(5) Every Strategic Health Authority shall exercise the functions referred to in paragraphs (1) to (3) for the benefit of its area or to secure the effective provision of services by Primary Care Trusts and NHS trusts for which they are the appropriate Strategic Health Authority.

(6) Nothing in paragraph (5) 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⁽²⁾ (approval of medical specialists) given by a Strategic Health Authority shall have effect.

(7) Every Primary Care Trust shall exercise the functions referred to in paragraphs (1) and (2)—

- (a) in so far as those functions consist 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 Primary Care Trust is the relevant Primary Care Trust; and

(1) The NHS Plan is published by the Stationery Office as Command Paper 4818-1.

(2) 1983 c. 20.

- (ii) persons usually resident in its area, or resident outside the United Kingdom who are present in its 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) services provided at walk-in centres,
 - (iii) facilities and services for testing for, and preventing the spread of, genito-urinary infections and diseases and for treating and caring for persons with such infections or diseases,
 - (iv) services which the Secretary of State has a duty to provide under section 5(1)(a) of the Act or which he may provide under Schedule 1 to the Act (medical inspection and treatment of pupils),
 - (v) services which the Secretary of State has a duty to provide under section 5(1)(b) of the Act (services relating to contraception),
 - (vi) health promotion services,
 - (vii) services in connection with drug and alcohol misuse,
 - (viii) any other services which the Secretary of State may direct, for the benefit of all persons present in their area;
- (c) in so far as those functions relate to pilot schemes under the 1997 Act, for the benefit of persons within the area of the appropriate Strategic Health Authority and for which the trust is the relevant Primary Care Trust;
- (d) in so far as those functions consist of any other functions, generally as respects their area.
- (8) 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.
- (9) 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, he shall be treated as a person who is not the practice patient of any medical practitioner.
- (10) 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.