STATUTORY INSTRUMENTS

1974 No. 36

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service Functions (Administration Arrangements) Regulations 1974

Made - - -	*7th January* 1974
Laid before Parliament	*24th January* 1974
Coming into Operation	*14th February* 1974

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by section 7(4) and 7(5) of the National Health Service Reorganisation Act 1973(**a**) and of all other powers enabling them in that behalf, hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service Functions (Administration Arrangements) Regulations 1974 and shall come into operation on 14th February 1974.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires:—

"the Act of 1946" means the National Health Service Act 1946(**b**);

"the Act of 1973" means the National Health Service Reorganisation Act 1973;

"Area Authority" means an Area Health Authority;

"Committee" means a Family Practitioner Committee;

"Regional Authority" means a Regional Health Authority;

"relevant Regional Authority" in relation to any Area Authority means the Regional Authority of which the region includes the area of the Area Authority in question;

and any other expression to which a meaning is assigned by the Act of 1946 has that meaning in these regulations.

(2) For the purposes of these regulations a Regional Authority is equivalent to another Regional Authority, an Area Authority is equivalent to another Area Authority and a Committee is equivalent to another Committee; but

(**a**) 1973 c. 32. (**b**) 1946 c. 81.

nothing in these regulations shall be construed as precluding a Regional Authority, an Area Authority or a Committee from acting by an agent where it is entitled so to act apart from these regulations.

(3) References in these regulations to any enactment shall include references to such enactment as amended by any subsequent enactment, order or regulations.

(4) The rules for the construction of an Act of Parliament contained in the Interpretation Act 1889(a) shall apply for the purposes of the interpretation of these regulations as they apply for the purposes of the interpretation of an Act of Parliament.

Arrangements by Regional Authorities for exercise of functions

3. Subject to any directions which may be given by the Secretary of State as to the exercise of any function exercisable by a Regional Authority by virtue of any direction given under section 7 of the Act of 1973, any Regional Authority so directed to exercise any function may arrange with an equivalent body, a committee or sub-committee of such equivalent body, with another body of which the members consist only of the Regional Authority and equivalent bodies, or with an officer of an equivalent body or such other body as aforesaid, for the exercise of such function on its behalf.

Arrangements by Area Authorities for exercise of functions

4.—(1) Subject to the following paragraph of this regulation, to any directions which may be given by the Secretary of State, and, in the case of an Area Authority in England, to any directions given by the relevant Regional Authority with respect to the exercise of any function exercisable by virtue of a direction given under section 7(2) of the Act of 1973, an Area Authority by which any function is exercisable by virtue of any provision of the Health Service Acts may arrange with an equivalent body, a committee or sub-committee of such equivalent body, with another body of which the members consist only of the Area Authority and equivalent bodies, or with an officer of an equivalent body or such other body as aforesaid, for the exercise of such function on its behalf.

(2) The duty of an Area Authority to make arrangements for the provision of general medical services, general dental services, general ophthalmic services and pharmaceutical services, in so far as such duty relates to—

(*a*) the referral to the Medical Practices Committee of applications for inclusion in a list of medical practitioners who undertake to provide general medical services;

(*b*) acceptance of applications for inclusion in a list of dental practitioners undertaking to provide general dental services or of persons undertaking to provide general ophthalmic services or pharmaceutical services; and

(*c*) any rights and liabilities arising in connection with any such applications or by virtue of inclusion in any such list as aforesaid;

shall be a function exercisable on behalf of the Area Authority, in accordance with regulations and any directions given by the Secretary of State, by the Committee established for the area of that Authority.

(a) 1889 c. 63.

Arrangements by Family Practitioner Committees for exercise of functions

5.—(1) Subject to the following paragraph of this regulation and to any directions given by the Secretary of State, a Committee may arrange with an equivalent body, or another body of which the members consist only of the Committee and equivalent bodies, a sub-committee appointed by such equivalent body or an officer of any Area Authority which has established such equivalent body, for the exercise on its behalf of any function exercisable by the Committee.

(2) The functions of a Committee under section 7(3)(*a*) of the Act of 1973 in regard to the examination, checking and pricing of prescriptions for drugs, medicines and appliances supplied under arrangements made by an Area Authority for the provision of pharmaceutical services, shall be exercisable on behalf of a Committee established in England by the Prescription Pricing Authority(**a**) and on behalf of a Committee established in Wales by the Welsh Health Technical Services Organisation(**b**) and arrangements shall be made by Committees in accordance with directions given by the Secretary of State with respect to the exercise of such functions.

Keith Joseph,
Secretary of State for Social Services.

2nd January 1974.

Peter Thomas,
Secretary of State for Wales.

7th January 1974.

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

These Regulations make provision for functions relating to the National Health Service to be exercisable on each others behalf by bodies established under the National Health Service Reorganisation Act 1973.

(**a**) S.I. 1974/9 (1974 I, p. 14).

(**b**) S.I. 1973/1624 (1973 III, p. 5070).

SI 1974/36
ISBN 0-11-040036-4

