STATUTORY INSTRUMENTS

1984 No. 1577

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service Functions (Directions to Authorities and Administration Arrangements) Amendment Regulations 1984

Made - - - -	*5th October* 1984
Laid before Parliament	*16th October* 1984
Coming into Operation	*1st January* 1985

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 13, 17 and 18 of the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the National Health Service Functions (Directions to Authorities and Administration Arrangements) Amendment Regulations 1984 and shall come into operation on 1st January 1985.

Amendment of National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1982

2.—(1) The National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1982(**b**) shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 3—

(*a*) for the words "in accordance with such directions as the Secretary of State may give under the Act" there shall be substituted the words "to such limitations as the Secretary of State may direct with respect to the exercise of any functions and in accordance with any directions he may give";

(*b*) in paragraph (*a*) for the words "section 28(2) of the Mental Health Act 1959" there shall be substituted the words "section 12(2) of the Mental Health Act 1983"(**c**); and

(**a**) 1977 c. 49; section 13 was amended by paragraph 33 of Schedule 1 to the Health Services Act 1980 (c. 53) and section 18 was amended by paragraphs 38 and 92 of that Schedule.
(**b**) S.I. 1982/287.
(**c**) 1983 c. 20.

(*c*) for paragraph (*d*) there shall be substituted the following paragraph:—

"(*d*) the following provisions of the Registered Homes Act 1984(**a**) relating to nursing homes and mental nursing homes and any regulations made thereunder—

(i) section 23(3), (4) and (5), with respect to the registration of nursing homes and mental nursing homes;

(ii) section 25, with respect to the refusal of registration;

(iii) section 26, with respect to the conduct of nursing homes;

(iv) section 27, with respect to supplementary provisions;

(v) section 28, with respect to the cancellation of registration;

(vi) section 29(1), (2) and (3), with respect to conditions for nursing homes and mental nursing homes;

(vii) section 30, with respect to urgent cancellation of registration;

(viii) section 31, with respect to ordinary procedure for registration, cancellation of registration, variation of conditions and imposition of additional conditions;

(ix) section 32, with respect to the right to make representations;

(x) section 33(1) and (2), with respect to decisions;

(xi) section 34(2) and (7), with respect to appeals;

(xii) section 35(1), (3) and (4), with respect to the authorisation of persons to inspect mental nursing homes;

(xiii) section 37, with respect to the power to exempt Christian Science homes;

(xiv) section 53(1), with respect to proceedings in respect of an offence;".

(3) In regulation 4(6) for the words "section 28(2) of the Mental Health Act 1959" there shall be substituted the words "section 12(2) of the Mental Health Act 1983".

Signed by authority of the Secretary of State for Social Services.

K. Clarke,
Minister of State,
Department of Health and Social Security.

5th October 1984.

(**a**) 1984 c. 23.

EXPLANATORY NOTE

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

These regulations amend the provisions of the National Health Service Functions (Directions to Authorities and Administration Arrangements) Regulations 1982 which concern the exercise by Regional and District Health Authorities on behalf of the Secretary of State of various functions relating to the national health service. These regulations make it clear that the Secretary of State may limit by directions (under the National Health Service Act 1977) the exercise of functions by Regional Health Authorities. They also make amendments consequential upon the coming into operation of the Mental Health Act 1983 and the Registered Homes Act 1984, both consolidating Acts.

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