STATUTORY INSTRUMENTS

# 2000 No. 267

# NATIONAL HEALTH SERVICE, ENGLAND

# The National Health Service (Functions of Health Authorities and Administration Arrangements) Amendment Regulations 2000

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| *Made - - -* | *7th February 2000* |
| *Laid before Parliament* | *8th February 2000* |
| *Coming into force* | *1st April 2000* |

The Secretary of State for Health, in exercise of the powers conferred by sections 16D, 17, 18(1) and (1A) and 126(4) of the National Health Service Act 1977**(a)** and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

**1.**—(1) These Regulations may be cited as the National Health Service (Functions of Health Authorities and Administration Arrangements) Amendment Regulations 2000 and shall come into force on 1st April 2000.

(2) In these Regulations "the principal Regulations" means the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996**(b)**.

**Amendment of principal Regulations**

**2.**—(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

(2) In regulation 4 (restrictions on the exercise of functions by Health Authorities) after paragraph (3) there is inserted the following paragraph–

"(3A) In exercising the functions of the Secretary of State under section 4 of the Act**(c)** a Health Authority may enter into an NHS contract for the provision of high security psychiatric services with the following providers only–

(a) Ashworth Hospital Authority**(d)**, Broadmoor Hospital Authority**(d)** or Rampton Hospital Authority**(d)** or

(b) an NHS trust approved by the Secretary of State under paragraph 10(2) and (3) of Schedule 2 to the 1990 Act**(e)**

and may not arrange with any other person or body (including voluntary organisations) for that person or body to provide such services.".

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**(a)** 1977 c. 49. Sections 16D, 17 and 18(1) and (1A) were substituted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 12. Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6). The functions or powers of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672.

**(b)** S.I. 1996/708 was amended by S.I. 1998/646 and S.I. 1999/628.

**(c)** Section 4 of the National Health Service Act 1977 is substituted by the 1999 Act, section 41(1) which comes into force on 1st April 2000 (see S.I. 1999/2793).

**(d)** *See* S.I. 1966/488 and 1966/489.

**(e)** Paragraph 10(2) and (3) of Schedule 3 to the 1990 Act is inserted by the 1999 Act, section 41(3) which comes into force on 1st April 2000 (see S.I. 1999/2793).

(3) In Schedule 1 (enactments conferring functions exercisable by Health Authorities), in column (1) (enactment), under the heading "The Act", after the words "section 3(1)(f)" there shall be inserted the words "section 4" and correspondingly in column (2) (subject matter) there shall be inserted the words "Providing high security psychiatric services".

Signed by authority of the Secretary of State for Health

*John Hutton*
Minister of State,
Department of Health

7th February 2000

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996 by making provision for Health Authorities to exercise the Secretary of State's function of providing high security psychiatric services but only by making NHS contracts with Ashworth, Broadmoor or Rampton Hospital Authority or an NHS trust approved by the Secretary of State for the purpose of providing such services.

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