STATUTORY INSTRUMENTS

1989 No. 1611

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Special Hospitals Service Authority (Functions and Membership) Amendment Regulations 1989

Made - - - -	*3rd September 1989*
Laid before Parliament	*8th September 1989*
Coming into force	*1st October 1989*

The Secretary of State for Health in exercise of powers conferred by sections 13, 18(1) and 128(1) 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 Special Hospitals Service Authority (Functions and Membership) Amendment Regulations 1989 and shall come into force on 1st October 1989.

(2) In these Regulations, unless the context otherwise requires—

"the Act" means the National Health Service Act 1977;

"the principal Regulations" means the Special Hospitals Service Authority (Functions and Membership) Regulations 1989**(b)**.

Amendment of the principal Regulations

2.—(1) In the principal Regulations, for regulation 2 (functions of the Special Hospitals Service Authority) there shall be substituted the following regulation:—

"**Functions of the Authority**

2.—(1) Subject to paragraphs (2) and (3) of this regulation and in accordance with such directions as the Secretary of State may give under the Act, the Authority shall exercise on his behalf—

(a) the Secretary of State's functions under section 1 of the Act so far as they consist of a duty to provide and maintain special hospitals as mentioned in section 4 of that Act;

(b) the Secretary of State's functions under the provisions of the Act specified in column 1 of the Schedule to these Regulations (the subject matter of the relevant function being indicated in column 2 of that Schedule) so far as they relate to the special hospitals, including functions under regulations made under any of those provisions;

(c) the Secretary of State's functions under the Mental Health Act 1983**(c)** as manager of the special hospitals by virtue of section 145(1) of that Act.

(a) 1977 c.49; in section 128(1) *see* the definition of "regulations".

(b) S.I. 1989/949. **(c)** 1983 c.20.

(2) Nothing in these Regulations—

(a) is to be taken as giving directions for the exercise of any function conferred on or vested in the Secretary of State with respect to the making of any Order or Regulations; or

(b) enables the Authority to exercise the Secretary of State's functions under section 87(1) of the Act with respect to the compulsory acquisition of land.

(3) The Secretary of State's powers under section 2 of the Act are exercisable by the Authority only to such extent as is necessary for the proper exercise of one or more other functions which the Secretary of State has directed the Authority to exercise on his behalf.

(4) The exercise of the Secretary of State's function under section 3(1)(c) of the Act with respect to the provision of ambulance services is subject to obtaining his approval to the proposed arrangements for such exercise."

(2) To the principal Regulations, there shall be added at the end the Schedule set out in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Health

Roger Freeman
Parliamentary Under-Secretary of State
Department of Health

3rd September 1989

SCHEDULE

Regulation 2(2)

SCHEDULE ADDED TO THE PRINCIPAL REGULATIONS

"SCHEDULE

Regulation 2(1)(b)

PROVISIONS OF THE NATIONAL HEALTH SERVICE ACT 1977 CONFERRING FUNCTIONS EXERCISABLE BY THE AUTHORITY

(1) Enactment	(2) Subject Matter
Section 2	Providing services considered appropriate for discharging duties imposed on the Secretary of State and doing other things calculated to facilitate the discharge of any such duty.
Section 3(1)(a) and (b)	Providing hospital and other accommodation.
Section 3(1)(c)	Providing medical, dental, nursing and ambulance services.
Section 3(1)(e)	Providing facilities for the prevention of illness, the care of persons suffering from illness and the aftercare of persons who have suffered from illness.
Section 3(1)(f)	Providing other services required for the diagnosis and treatment of illness.
Section 23(1)	Arranging with any person or body (including a voluntary organisation) for that person or body to provide or assist in providing any service under the Act.
Section 23(2)	Making available to certain persons or bodies (including voluntary organisations) facilities and services of persons employed in connection with such facilities.
Section 23(3)	Agreeing terms and making payments in respect of facilities or services provided under section 23 of the Act.
Section 26(1)	Supplying goods, services and other facilities to local authorities and other public bodies and carrying out maintenance work in connection with any land or building the maintenance of which is a local authority responsibility.
Section 26(2)	Supplying prescribed goods, materials or other facilities to persons providing general medical services, general dental services, general ophthalmic services or pharmaceutical services.
Section 26(3)	Making available to local authorities any services or other facilities and the services of employed persons to enable local authorities to discharge their functions relating to social services, education and public health.
Section 26(4)**(a)**	Making available to local authorities the services of contractors to enable such authorities to discharge their functions relating to social services, education and public health.
Section 27(1) and (2)	Providing for consultation before the services of any officers of a health authority are made available to a local authority.
Section 27(4)	Agreeing terms and charging for services and facilities provided.
Section 81(a)	Charging and recovering the charges for more expensive supplies.
Section 82(a)	Charging for replacement or repair of appliances and vehicles in certain circumstances.
Section 83A(1)(b)**(b)**	Paying travelling expenses.
Section 87(1) and (2)	Acquiring land or other property required for the purposes of the Act and the use or maintenance of any property belonging to the Secretary of State by virtue of the Act.
Section 121**(c)**	Determining charges for prescribed services provided in respect of prescribed non-residents."

(a) Section 26(4) was added by the Health Services Act 1980 (c.53), section 3(1).
(b) Section 83A(1)(b) was inserted by section 14(1) of the Social Security Act 1988 (c.7).
(c) Section 121 was amended by the Health and Medicines Act 1988 (c.49), section 7(12).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations give further directions to the special health authority known as the Special Hospitals Service Authority which was constituted on 1st July 1989. Following the abolition of the Rampton Hospital Board, the Broadmoor Hospital Board and the Moss Side and Park Lane Hospitals Board, these Regulations replace the limited functions which were specified in regulation 2 of the Special Hospitals Service Authority (Functions and Membership) Regulations 1989 and direct the special health authority to perform, on behalf of the Secretary of State, a wider range of functions under the National Health Service Act 1977 relating to special hospitals as well as his functions as manager of those hospitals by virtue of section 145(1) of the Mental Health Act 1983.

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