

# NATIONAL HEALTH SERVICE ACT 1977

## Family Health Services Appeal Authority (Special Health Authority) and Primary Care Trust Directions (No.2) 2003

The Secretary of State for Health, in exercise of the powers conferred on him by sections 16D and 17 of the National Health Service Act 1977<sup>(1)</sup> hereby gives the following directions:

### Commencement and extent

1.—(1) These directions shall come into force on 3rd November 2003 and shall apply to England only.

### Interpretation

2. In these directions—

“the 1977 Act” means the National Health Service Act 1977;

“list” means a list referred to in section 49N(1)(a) to (c) of the 1977 Act;

“practitioner” means a person who has at any time applied for inclusion or been included in a medical, dental or ophthalmic list maintained by a Health Authority or Primary Care Trust;

“the Authority” means the Family Health Services Appeal Authority (Special Health Authority) established by the Family Health Services Appeal Authority (Establishment and Constitution Order) 1995<sup>(2)</sup>.

### Functions exercisable by the Authority

3.—(1) Where, by virtue of any provision of any of the Regulations which are mentioned in Schedule 1 to these Directions the Secretary of State has the functions of receiving or requesting information the functions shall be discharged by the Authority.

(2) Where, by virtue of paragraph (1), the Authority discharges the function of receiving information, the Authority shall, if requested to do so by the Secretary of State, maintain that information in a particular form or manner.

(3) The Authority shall provide the Secretary of State, at his request, details of any notification and such statistical and other information concerning the functions mentioned in paragraph (1) as he shall require.

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<sup>(1)</sup> 1977 c.49. Section 16D was inserted by the Health Act 1999 (c.8) (“the 1999 Act”), section 12(1) and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”), section 3(2) and Schedule 1, paragraph 6. Section 17 was substituted by the Health Authorities Act 1995 (c.17), sections 2(1) and 8 and Schedule 1, paragraph 8; and further substituted by the 1999 Act, section 12(1); and amended by the Health and Social Care Act 2001 (c.15) (“the 2001 Act”), section 67 and Schedule 5, paragraph 5(3) and the 2002 Act, Schedule 1, paragraph 7.

<sup>(2)</sup> S.I. 1995/621. The name of the Family Health Services Appeal Authority was changed to the Family Health Services Appeal Authority (Special Health Authority) By S.I. 2001/3562.

(4) The Authority shall comply with any request made by any Primary Care Trust under article 4(2) of these Directions.

#### **Exercise of functions by Primary Care Trusts**

4.—(1) Where, by virtue of any provision of any of the Regulations which are mentioned in Schedule 1 to these Directions a Primary Care Trust is to disclose any matter to the Secretary of State, the Primary Care Trust shall discharge that function by notifying the Authority.

(2) Where by virtue of any provision of any of the Regulations which are mentioned in Schedule 2 to these Directions a Primary Care Trust is to satisfy itself as to the suitability of any practitioner or is considering removing a practitioner from its list it may check with the Authority whether the Authority has any information concerning the practitioner and request the disclosure of it.

#### **Revocation**

5. The Family Health Services Appeal Authority (Special Health Authority) and Primary Care Trust Directions 2003 that came into force on 21<sup>st</sup> July 2003 are hereby revoked.

Signed by authority of the Secretary of State for Health

A handwritten signature in black ink, appearing to read 'M. H. 5/10/03'.

31 October 2003

Department of Health  
A member of the Senior Civil Service

## **SCHEDULE 1**

## **Directions 3 and 4(1)**

### **Provisions of Regulations Conferring Functions on the Secretary of State which are to be exercised by the Authority**

#### **The National Health Service (General Dental Services) Regulations 1992(3)**

Regulation 5ZD(13), (18) and (20)

Regulation 8D(1), (6) and (8)

#### **The National Health Service (General Medical Services) Regulations 1992(4)**

Regulation 7D(1), (6) and (8)

Regulation 18M(13), (18) and (20)

#### **The National Health Service (General Ophthalmic Services) Regulations 1986(5)**

Regulation 7D(13), (18) and (20)

Regulation 9D(1), (5) and (7)

#### **The National Health Service (General Medical Service Supplementary List) Regulations 2001(6)**

Regulation 16(1), (6) and (8)

#### **The National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003(7)**

Regulation 16(1), (6) and (8)

#### **The National Health Service (Personal Medical Services) (Services List) and the (General Medical Services Supplementary List) and (General Medical Services) Amendment Regulations 2003(8)**

Regulation 16(1), (6) and (8)

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(3) S.I. 1992/661, relevant amendments to which were made by S.I. 2001/3741 and 2002/558.

(4) S.I. 1992/ 635, relevant amendments to which were made by S.I. 1998/2838, 2001/3742, 2002/554 and 2003/2644.

(5) S.I. 1986/975, relevant amendments to which were made by S.I. 2001/3739.

(6) S.I.2001/3740, relevant amendments to which were made by S.I. 2003/2644.

(7) S.I. 2003/250.

(8) S.I. 2003/ 2644.

## **SCHEDULE 2**

## **Direction 4(2)**

**Provisions of Statutory Instruments conferring functions on Primary Care Trusts which Primary Care Trusts shall discharge (inter alia) by seeking information from the Authority**

### **The National Health Service (General Dental Services) Regulations 1992**

Regulation 5(3ZA)

Regulation 8B(1), (3) and (5)

### **The National Health Service (General Medical Services) Regulations 1992**

Regulation 7B(1), (3) and (5)

Regulation 18E(1)(e)

### **The National Health Service (General Ophthalmic Services) Regulations 1986**

Regulation 7A(1)

Regulation 9B(1), (3) and (5)

### **The National Health Service (General Medical Services Supplementary List) Regulations 2001**

Regulation 6(3)

Regulation 11(1), (3) and (5)

### **The National Health Service (General Dental Services Supplementary List) and (General Dental Services) Amendment Regulations 2003**

Regulation 6(3)

Regulation 11(1), (3) and (5)

### **The National Health Service (Personal Medical Services) (Services List) and the (General Medical Services Supplementary List) and (General Medical Services) Amendment Regulations 2003**

Regulation 6(3)

Regulation 11(1), (3) and (5)