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STATUTORY INSTRUMENTS

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**2001 No. 747**

**The National Health Service (Functions of Health Authorities and Administration Arrangements) (England) Regulations 2001**

**Interpretation**

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

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

“the 1990 Act” means the National Health Service and Community Care Act 1990<sup>(1)</sup>;

“the 1997 Act” means the National Health Service (Primary Care) Act 1997<sup>(2)</sup>;

“financial year” means the period of 12 months ending with 31st March;

“the Health Act” means the Health Act 1999<sup>(3)</sup>;

“practice patient” means—

(a) in relation to a medical practitioner who practises otherwise than in partnership, an individual who is on that practitioner’s list of patients (or, if that practitioner and one or more other medical practitioners together have a single list of patients in connection with a pilot scheme under the 1997 Act<sup>(4)</sup>, an individual who is on that single list);

(b) in relation to a medical practitioner who is one of two or more practitioners who practise in partnership with each other, an individual who is on the list of patients of any of those practitioners (or, if any of those practitioners together have a single list of patients in connection with a pilot scheme under the 1997 Act, an individual who is on that single list),

other than an individual who is resident in Scotland;

“the relevant date” means—

(a) 1st April in the financial year preceding the financial year in which the identity of the relevant Health Authority falls to be determined;

(b) in the case of a practitioner providing general medical services and who practices otherwise than in partnership, the date on which he first entered the Health Authority’s medical list;

(c) in the case of a practitioner providing general medical services who is one of two or more practitioners who practice in partnership with each other, the earliest date on which any one of those practitioners entered the Health Authority’s medical list;

(d) in the case of a practitioner performing personal medical services in connection with a pilot scheme under the 1997 Act, the date on which services were first performed under that scheme,

whichever is the latest;

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(1) 1990 c. 19.

(2) 1997 c. 46.

(3) 1999 c. 8.

(4) See section 1 of the 1997 Act for the definition of “pilot scheme”.

“the relevant Health Authority” means—

- (a) in relation to a medical practitioner—
  - (i) who provides general medical services under Part II of the Act and does not perform personal medical services in connection with a pilot scheme;
  - (ii) whose name is included in the medical list of only one Health Authority; and
  - (iii) who practises on his own or in partnership with others all of whom are medical practitioners who provide general medical services under Part II of the Act and do not perform personal medical services in connection with a pilot scheme and whose names are included only in that Authority’s medical list, that Authority;
- (b) in relation to any other medical practitioner, the Health Authority in whose area, on the relevant date, most of the practice patients at that date were living;

“specified health service functions” means the Secretary of State’s functions relating to the health service<sup>(5)</sup> under the enactments specified in column (1) of Schedule 1 (the subject matter of the relevant functions being indicated in column (2) of that Schedule), including functions under any regulations made under any of those enactments.

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

- (a) any reference to a numbered regulation or Schedule is a reference to the regulation or, as the case may be, the Schedule bearing that number in these Regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph bearing that number in the regulation;
- (b) any reference to a Health Authority (other than in the definition of “relevant Health Authority” in regulation 2(1)) or a Primary Care Trust is to be construed as a reference to a Health Authority or, as the case may be, a Primary Care Trust established for an area in England;
- (c) any reference to a Special Health Authority is to be construed as a reference to a Special Health Authority exercising functions in respect of England; and
- (d) any reference to an NHS trust is to be construed as a reference to an NHS trust all or most of whose hospitals, establishments and facilities are situated in England.

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(5) These include functions under enactments relating to mental health and nursing homes (see section 16D(3) of the 1977 Act as inserted by section 12(1) of the 1999 Act).