17. REGIONAL HOSPITAL BOARDS

The National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1948

1948 No. 60

Made - - - -	19*th January*, 1948
Laid before Parliament	20*th January*, 1948
Coming into Operation	21*st January*, 1948

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The Minister of Health, in exercise of his powers under section 12 of the National Health Service Act, 1946(a), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

PART I

1. These regulations may be cited as the National Health Service (Functions of Regional Hospital Boards, etc.) Regulations, 1948, and shall come into operation on the twenty-first day of January, 1948.

2.—(1) In these regulations " the Act " means the National Health Service Act, 1946, and " the Minister " means the Minister of Health.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

PART II

Regional Hospital Boards

3. A regional hospital board shall, subject to and in accordance with these regulations and any directions which may be given by the Minister, and subject to the exercise of functions by hospital management committees and, in relation to teaching hospitals, by boards of governors in accordance with the following provisions of these regulations, administer on behalf of the Minister the hospital and specialist services provided in their area.

4. For the purposes of the last foregoing regulation, a regional hospital board shall exercise on behalf of the Minister and subject to and in accordance with any directions which may be given by the Minister, but to the extent provided in the next following regulation through the agency of hospital management committees, the functions of the Minister in so far as they relate to hospitals other than teaching hospitals and to services provided at or in connection with hospitals other than teaching hospitals under the following provisions of the Act, and of any regulations made thereunder, namely:—

(1) Section 3 (1) with respect to the provision of hospital and specialist services;

(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.

(2) Section 3 (2) with respect to the making and recovery of charges for the supply, replacement or repair of appliances;

(3) Section 3 (3) with respect to the payment of travelling expenses;

(4) Sections 4 and 5 with respect to the making available of hospital accommodation on part payment and the setting aside of special accommodation for private patients and the recovery of charges, and the making of arrangements with medical practitioners for the treatment of their private patients in hospital:

Provided that—

(*a*) Nothing in these regulations shall authorise a regional hospital board to acquire land for the purposes of providing hospital and specialist services;

(*b*) A regional hospital board shall not without the consent of the Minister undertake any building or civil engineering works the estimated total cost of which exceeds £10,000;

(*c*) In the case of any work of construction, reconstruction or alteration of a mental hospital, a hospital designated by the Minister for the purposes of the Mental Treatment Act, 1930(a), or an institution for mental defectives, a regional hospital board shall comply with such standards of accommodation as may from time to time be laid down by the Minister;

(*d*) The amount of the accommodation to be made available under section 4 or to be set aside under section 5 of the Act shall be subject to the approval of the Minister.

PART III

Hospital Management Committee

5. The hospital management committee of any hospital or group of hospitals shall, subject to and in accordance with any directions which may be given by the regional hospital board concerned or by the Minister, control and manage the same and the services provided in connection therewith on behalf of the board, and for that purpose the committee shall, subject to and in accordance with any directions as aforesaid, exercise on behalf of the board the following functions of the board relating to the hospital or group of hospitals:—

(1) The functions of the board under regulations made under section 3 (2) of the Act and under these regulations with respect to the making and recovery of charges for the supply, replacement or repair of appliances;

(2) The functions of the board under regulations made under section 3 (3) of the Act and under these regulations with respect to the payment of travelling expenses;

(3) The functions of the board under section 4 of the Act and any regulations made thereunder and under these regulations with respect to the admission of patients to and their discharge from hospital accommodation made available on part payment and to the recovery of charges;

(a) 20 & 21 Geo. 5. c. 23.

(4) The functions of the board under section 5 of the Act and any regulations made thereunder and under these regulations with respect to the admission of patients to and their discharge from special accommodation set aside for private patients and to the recovery of charges for accommodation and services provided for private patients and to the making of arrangements by medical practitioners for the treatment of their private patients in hospital;

(5) The functions of the board under section 12 (1) of the Act with respect to the appointment and dismissal of officers employed for the purposes only of the hospital or group of hospitals other than the classes of officers specified in regulations made under section 14 (2) of the Act;

(6) The functions of the board under section 12 (1) of the Act with respect to the maintenance of premises forming part of or used in connection with the hospital or group of hospitals:

Provided that the committee shall not without the consent of the board undertake any building or civil engineering works the estimated total cost of which exceeds £1,000;

(7) Subject to any arrangements which may be made by the Minister or by the board with the consent of the Minister, the functions of the board under section 12 (1) of the Act with respect to the acquisition and maintenance of equipment, furniture and other movable property required for the purposes of the hospital or group of hospitals;

(8) The functions of the board under section 62 of the Act with respect to the provision of special schools;

(9) The functions of the board with respect to the receipt of payments under section 36 (2) of the Road Traffic Act, 1930(a), and section 16 of the Road Traffic Act, 1934(b), as amended by the Act.

PART IV

Boards of Governors of Teaching Hospitals

6. The board of governors of a teaching hospital shall, on behalf of the Minister, and subject to and in accordance with these regulations and any directions which may be given by the Minister, manage and control that hospital and the services provided in connection therewith.

7. For the purposes of the last foregoing regulation, the board of governors of a teaching hospital shall exercise on behalf of the Minister, and subject to and in accordance with any directions which may be given by the Minister, the functions of the Minister in so far as they relate to that hospital under the following provisions of the Act or of any regulations made thereunder, namely:—

(1) Section 3 (1) with respect to the provision of hospital and specialist services;

(2) Section 3 (2) with respect to the making and recovery of charges for the supply, replacement or repair of appliances;

(3) Section 3 (3) with respect to the payment of travelling expenses;

(a) 20 & 21 Geo. 5. c. 43. (b) 24 & 25 Geo. 5. c. 50.

(4) Sections 4 and 5 with respect to the making available of hospital accommodation on part payment and the setting aside of special accommodation for private patients and the recovery of charges, and the making of arrangements with medical practitioners for the treatment of their private patients in hospital:

Provided that—

(*a*) Nothing in these regulations shall authorise a board of governors to acquire land for the purposes of providing hospital and specialist services;

(*b*) A board of governors shall not without the consent of the Minister undertake any building or civil engineering works the estimated total cost of which exceeds £10,000; and

(*c*) The amount of the accommodation to be made available under section 4 or to be set aside under section 5 of the Act shall be subject to the approval of the Minister.

PART V

General

8. Nothing in these regulations shall affect the power of the Minister to provide or administer hospital and specialist services otherwise than in accordance with the foregoing provisions of these regulations—

(*a*) so far as such services relate to the provision of equipment, furniture and other movable property; or

(*b*) where in his opinion special circumstances make it desirable to do so.

9. Notwithstanding anything contained in these regulations a regional hospital board, hospital management committee or board of governors of a teaching hospital shall not without the consent of the Minister carry out any work of a kind specified in Part II of the Sixth Schedule to the Defence (General) Regulations, 1939, if a licence under paragraph (2) of regulation 56A of the last-mentioned regulations would have been required in respect of such work but for the provisions of paragraph (5) of that regulation.

Given under the official seal of the Minister of Health this nineteenth day of January, nineteen hundred and forty-eight.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

(*This Note is not part of these Regulations, but is intended to indicate their general purport.*)

The Regulations prescribe the duties to be performed by Regional Hospital Boards, Hospital Management Committees and Boards of Governors of Teaching Hospitals under the National Health Service Act, 1946, in the administration of the hospital and specialist services so far as those duties are not specifically imposed by the Act itself.