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STATUTORY INSTRUMENTS

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**1994 No. 1831**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Authorities for London Post-Graduate  
Teaching Hospitals (Abolition) Order 1994**

<i>Made</i>	- - - -	<i>11th July 1994</i>
<i>Laid before Parliament</i>		<i>11th July 1994</i>
<i>Coming into force</i>	- -	<i>1st August 1994</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 11, 126(3) and 126(4) of the National Health Service Act 1977(1) and section 5(10) of the National Health Service and Community Care Act 1990(2) and of all other powers enabling her in that behalf, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Authorities for London Post-Graduate Teaching Hospitals (Abolition) Order 1994 and shall come into force on 1st August 1994.

(2) In this Order unless the context otherwise requires—

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

“the material date” means 1st August 1994;

“the Order” means the Authorities for London Post-Graduate Teaching Hospitals (Constitution) Order 1990(3);

“relevant NHS Trust” in relation to a relevant Special Authority means an NHS Trust specified in relation to it in column 3 of the Schedule to this Order;

“relevant Regional Authority” means, in relation to a relevant Special Authority, the Regional Health Authority specified in relation to that Special Health Authority as provided for in column 2 of the Schedule to this Order;

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(1) 1977 c. 49; section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, and by the National Health Service and Community Care Act 1990 (c. 19), Schedule 10; section 126(3) and (4) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 65(2).

(2) 1990 c. 19.

(3) S.I.1990/1525 as amended by S.I. 1990/1855.

“relevant Special Authority” means a Special Health Authority specified in column 1 of the Schedule to this Order.

### **Abolition of relevant Special Authorities**

2. The relevant Special Authorities are hereby abolished, and accordingly—
  - (a) their names and the hospitals in relation to whose management they are to perform functions shall be omitted from columns (1) and (2) respectively of Schedule 2 to the Order;
  - (b) their names shall be omitted from column (2) of Schedule 1 to the Order, and the names of the institutes or medical schools in relation to which they are specified shall be omitted from column (1) of that Schedule.

### **Transfer of property and enforceability of rights**

3.—(1) Subject to the following provisions of this Order any property of a relevant Special Authority is transferred to the relevant Regional Authority.

(2) Subject to the following provisions of this Order, any right which was enforceable by or against any of the relevant Special Authorities immediately before the material date is enforceable by or against the relevant Regional Authority.

### **Winding up of affairs of relevant Special Authorities**

4. It is the duty of the relevant Regional Authority to take such action as may be necessary for the winding-up of the affairs of any relevant Special Authority in relation to which it is the relevant Regional Authority.

### **Accounts of relevant Special Authorities**

5. Any duty imposed on any of the relevant Special Authorities by section 98(4) of the Act, but not performed by the material date, shall be performed by the relevant NHS trust.

### **Investigation of complaints by Health Service Commissioner**

6.—(1) A complaint made under the Health Service Commissioners Act 1993(5) to the Health Service Commissioner for England in relation to any hospital, establishment or facility managed by any of the relevant Special Authorities, whether made before, on or after the material date, may be investigated by that Commissioner, notwithstanding the abolition of the relevant Special Authority, as if the complaint had been made in relation to the NHS trust or District Health Authority managing that hospital establishment or facility.

(2) The Health Service Commissioner for England, where he conducts such an investigation, shall send a report of the result of his investigation to that NHS trust or District Health Authority and to the relevant Regional Authority.

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(4) Section 98 was amended by paragraphs 69 and 97 of Schedule 1 to the Health Services Act 1980 (c. 53), paragraph 3 of Schedule 5 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), section 6(2) of, and Part I of Schedule 8 to, the Health and Social Security Act 1984 (c. 48) and section 20 of the National Health Service and Community Care Act 1990 (c. 19).

(5) 1993 c. 46.

### **Transfer of trust property of relevant Special Authorities**

7.—(1) Subject to paragraphs (2) and (3) of this article, any trust property vested immediately before the material date in any of the relevant Special Authorities is on the material date transferred to the relevant NHS Trust.

(2) Where, before the date of the making of this Order a relevant Special Authority and an NHS trust other than the relevant NHS Trust have identified by means of a Schedule of trust property (signed on behalf of both parties to the agreement) trust property which is to transfer to that other NHS trust, that property is transferred to that other NHS trust, instead of to the relevant NHS Trust.

(3) The freehold interest in Bridge Wharf, Old Ford Road, London E2 (Land Registry No. EGL 164595) vested on trust in the Board of Governors of the Royal Brompton Heart and Lung Hospital is transferred on the material date to the North Thames Regional Health Authority together with the rights, obligations and liabilities of the said Board of Governors under the lease and management agreement with South London Family Housing Association both dated 18th June 1992 and relating to Bridge Wharf.

### **Exercise of powers in relation to trusts**

8. Where, immediately before the material date, any power to appoint trustees of a charity connected with purposes relating to the health service<sup>(6)</sup> is under the trusts of the charity vested in any of the relevant Special Authorities, that power vests on the material date—

- (a) in the case of a trust whose purposes relate to the Queen Elizabeth Hospital for Children in the East London and the City Health Authority;
- (b) in the case of a trust whose purposes relate to the London Chest Hospital in the Royal Hospital of St Bartholomew, the Royal London Hospital and the London Chest Hospital National Health Service Trust;
- (c) in all other cases the relevant NHS Trust.

### **Appointment of new trustees**

9. Where, under the trusts of a charity connected with health services purposes, the trustees immediately before the material date include a person who is a trustee by virtue of his office with any of the relevant Special Authorities, the trustees shall from that date instead include the holder of the corresponding office—

- (a) in the case of a trust whose purposes relate to the Queen Elizabeth Hospital for Children with the East London and the City Health Authority;
- (b) in the case of a trust whose purposes relate to the London Chest Hospital, with the Royal Hospital of St Bartholomew, the Royal London Hospital and the London Chest Hospital National Health Service Trust;
- (c) in all other cases with the relevant NHS Trust.

### **Provision for continuity in exercise of functions**

10.—(1) Any application duly made by, or any direction, authorisation or notice given to the Board of Governors of the Hospitals for Sick Children in relation to the Queen Elizabeth Hospital for Children shall be deemed to have been made by or given to or by the East London and the City Health Authority.

(2) Any instrument made by that Special Health Authority in relation to that hospital continues in force until it is varied or revoked by that District Health Authority.

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(6) See Section 91 of the National Health Service Act 1977 (c. 49).

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(3) Any form supplied by that Special Health Authority in relation to that hospital continues to be a valid form until it is cancelled or withdrawn by the Secretary of State or that District Health Authority, as if any reference contained in the form to that Special Health Authority were a reference to that District Health Authority.

**Accommodation and services made available on payment of charges**

**11.** To the extent that any accommodation and services at the Queen Elizabeth Hospital for Children is, immediately before the relevant date, authorised to be made available under section 65(1)(7) of the Act, it continues to be authorised to be made available under that section, to the extent determined, on or after that date until such determination is varied or revoked.

Signed by authority of the Secretary of State for Health

11th July 1994

*Tom Sackville*  
Parliamentary Under Secretary of State,  
Department of Health

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(7) Section 65 was substituted by section 10 of the Health and Medicines Act 1988 (c. 49), and, with effect from 1st April 1993, is amended by section 25 of the National Health Service and Community Care Act 1990 (c. 19).

## SCHEDULE

Article 1(2)

## SPECIAL AUTHORITIES, RELEVANT AUTHORITIES AND NHS TRUSTS

Column 1 relevant Special Authority	Column 2 relevant Regional Authority	Column 3 relevant NHS Trust
The Board of Governors of the Hospitals for Sick Children	North Thames Regional Health Authority	The Great Ormond Street Hospital for Children National Health Service Trust
The Board of Governors of Moorfields Eye Hospital	North Thames Regional Health Authority	The Moorfields Eye Hospital National Health Service Trust
The Bethlem Royal Hospital and the Maudsley Hospital Health Authority	South Thames Regional Health Authority	The Bethlem and Maudsley National Health Service Trust
The Board of Governors of the Royal Brompton National Heart and Lung Hospital	North Thames Regional Health Authority	The Royal Brompton Hospital National Health Service Trust
The Board of Governors of the Royal Marsden Hospital	As respects the exercise of functions relating to a hospital or other property situated in the region of South Thames Regional Health Authority, South Thames Regional Health Authority; as respects the exercise of functions relating to the management of a hospital or other property situated in the region of the North Thames Regional Health Authority, North Thames Regional Health Authority	The Royal Marsden National Health Service Trust
The Hammersmith and Queen Charlotte's Special Health Authority	North Thames Regional Health Authority	The Hammersmith Hospitals National Health Service Trust

**EXPLANATORY NOTE***(This note is not part of the Order)*

This Order abolishes on 1st August 1994 certain of the Special Health Authorities continued in being by the Authorities for London Post-Graduate Teaching Hospitals Order 1990. The Authorities to be abolished are listed in article 1(2) of the Order.

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The Order makes provision for the transfer of property, rights and liabilities from the Special Health Authorities to certain Regional Health Authorities and NHS Trusts (articles 3 and 7). It also makes further provision consequential on the abolition of the Special Health Authorities.

A copy of the Schedules of trust property referred to in article 7(2) may be obtained at the Department of Health, National Health Service Trust Unit, Quarry House, Quarry Hill, Leeds LS2, 7UE.