

1962. No. 45

[NC]

HEALTH SERVICES**General Scheme: Modification**

ORDER, DATED 20TH MARCH, 1962, MADE BY THE MINISTRY OF HEALTH AND LOCAL GOVERNMENT UNDER SECTION TWENTY-EIGHT OF THE HEALTH SERVICES ACT (NORTHERN IRELAND), 1948.

Whereas sub-section (4) of section twenty-eight of the Health Services Act (Northern Ireland), 1948(a), provides that the Northern Ireland Hospitals Authority (in this Order referred to as "the Authority") may from time to time after consultation with the Ministry of Health and Local Government (in this Order referred to as "the Ministry"), adopt a new general scheme providing for the modification of the general scheme for the time being in force:

And whereas the Authority has adopted and submitted to the Ministry a new general scheme providing for the modification of the general scheme already adopted by the Authority and approved by the Ministry by Order dated 31st May, 1948(b), as modified by new general schemes adopted by the Authority and approved by the Ministry by Orders dated 31st December, 1948(c), 30th September, 1949(d), 1st January, 1950(e), 26th March, 1959(f), 18th December, 1959(g), and 3rd February, 1961(h):

And whereas the Ministry thinks fit to approve the new general scheme:

Now, therefore, the Ministry, in exercise of the powers conferred upon it by section twenty-eight of the Health Services Act (Northern Ireland), 1948, and of all other powers so enabling, hereby orders as follows:—

1. This Order may be cited as the Health Services (General Scheme Modification) Order (Northern Ireland), 1962.

2. The Ministry hereby approves the new general scheme dated 27th day of February, 1962, set out in the Schedule hereto.

3.—(1) All property, whether real or personal (including choses-in-action) which immediately before the 1st day of April, 1962, is vested in or belongs to or is held in trust for the Londonderry and Gransha Hospital Management Committee or the North West Hospital Management Committee (each of which is hereinafter referred to as "a dissolved Committee") and all rights, powers and privileges relating to or connected with such property shall on that date and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust for the Londonderry Hospital Management Committee for all the estate, term or interest for which the same immediately before that date was vested in or belonged to or was held in trust for the respective dissolved committee but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.

(a) 1948. c. 3.

(b) S.R. & O. (N.I.) 1948, No. 143.

(c) S.R. & O. (N.I.) 1948, No. 332.

(d) S.R. & O. (N.I.) 1949, No. 176.

(e) S.R. & O. (N.I.) 1950, No. 2.

(f) S.R. & O. (N.I.) 1959, No. 55.

(g) S.R. & O. (N.I.) 1959, No. 191.

(h) S.R. & O. (N.I.) 1961, No. 22.

(2) All property transferred by this article which, immediately before the 1st day of April, 1962, is standing in the books of any bank or is registered in the books of any bank, corporation or company in the name of a dissolved committee shall upon the request of the Londonderry Hospital Management Committee made on or at any time after the 1st day of April, 1962, be transferred in said books by such bank, corporation or company into the name of the Londonderry Hospital Management Committee.

(3) On and after the 1st day of April, 1962, every chose-in-action transferred by this article may be sued upon, recovered or enforced by the Londonderry Hospital Management Committee in its own name and it shall not be necessary for that Management Committee to give notice to the person bound by such chose-in-action of the transfer effected by this article.

4. Every debt or other liability (including mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the 1st day of April, 1962, is owing and unpaid or has been incurred and is undischarged by a dissolved committee shall, on that date, become and be the debt or liability of the Londonderry Hospital Management Committee and shall be paid or discharged by and may be recovered from or enforced against that Management Committee into whose name it has been transferred.

5. Every bond, guarantee or other security of a continuing character made or given by a dissolved committee to another person or by any person to such committee and in force immediately before the 1st day of April, 1962, and every contract or agreement in writing made between such committee and another person and not fully executed and completed before that date shall, notwithstanding the dissolution of that particular committee, continue in force on and after the 1st day of April, 1962, but shall be construed and have effect as if the name of the Londonderry Hospital Management Committee were substituted therein for the name of that dissolved committee and such security, contract or agreement shall be enforceable by or against the Londonderry Hospital Management Committee into whose name it has been transferred.

6.—(1) The accounts of all receipts and expenditure of a dissolved committee and of the officers of the Authority responsible to that committee up to the 1st day of April, 1962, shall, as soon as conveniently may be after that day, be audited.

(2) Every officer of the Authority whose duty it is to make up any accounts of or to account for any portion of the receipts or expenditure of a dissolved committee and also every member thereof shall, until the audit of such receipts and expenditure up to the 1st day of April, 1962, is completed, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Order had not been made.

7. Each officer of the Authority who, up to the 1st day of April, 1962, is responsible to a dissolved committee for the discharge of his duties shall, if he remains in the service of the Authority after that date, be responsible to the Londonderry Hospital Management Committee for the discharge of said duties, on terms and conditions not less advantageous than were applicable to him up to the 1st day of April, 1962.

Sealed with the Official Seal of the Ministry of Health and Local Government for Northern Ireland this twentieth day of March, nineteen hundred and sixty-two.

(L.S.)

Wm. J. Morgan,
Minister of Health and Local
Government.

SCHEDULE

New General Scheme Made Under the Provisions of the Health Services Acts (Northern Ireland), 1948-1958

WHEREAS the Northern Ireland Hospitals Authority (hereinafter called "the Authority") in exercise of the powers conferred on them by Section 28 of the Health Services Act (Northern Ireland), 1948 (hereinafter called "the Act"), did on the 13th day of May, 1948, adopt a General Scheme (hereinafter called "the General Scheme"):

AND WHEREAS the said General Scheme was approved by the Ministry of Health and Local Government (hereinafter called "the Ministry") by Order made on the 31st day of May, 1948:

AND WHEREAS the said General Scheme has from time to time been modified as provided for in the Act:

AND WHEREAS the Authority after consultation with the Ministry have decided to adopt the new General Scheme hereinafter set forth:

NOW THEREFORE the Authority in exercise of the powers conferred on them by Section 28 of the Act and of all other powers them thereunto enabling do hereby adopt the following new General Scheme providing for the modification of the said General Scheme, that is to say:

1. (i) The Authority shall appoint as from the 1st day of April, 1962, a new Hospital Management Committee to be known from that date as Londonderry Hospital Management Committee and the said Hospital Management Committee shall as from that date manage and control the hospitals set out hereunder:

Altnagelvin Hospital, Londonderry
 Foyle Hospital, Londonderry (formerly known as Londonderry City and County Hospital)
 Roe Valley Hospital, Limavady, County Londonderry
 St. Columb's Hospital, Londonderry
 Londonderry Chest Clinic
 Limavady Chest Clinic
 Waterside Hospital, Londonderry
 Gransha Hospital, Londonderry } Formerly known as Londonderry
 Strand Road Hospital, Londonderry } and Gransha Hospital.

- (ii) The existing Hospital Management Committees known as Londonderry and Gransha Hospital Management Committee and North West Hospital Management Committee and so designated in the General Scheme shall be dissolved on the 1st day of April, 1962, and on and after that date the Londonderry Hospital Management Committee shall perform all the functions which up to that date may be exercised by the Londonderry and Gransha Hospital Management Committee and the North West Hospital Management Committee.

2. The General Scheme shall be read and shall operate as modified by this New General Scheme.