

1974 No. 247

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
**The Health Service Commissioners (Transitional Provisions)
Regulations 1974**

<i>Made</i>	- - -	<i>19th February 1974</i>
<i>Laid before Parliament</i>		<i>6th March 1974</i>
<i>Coming into Operation</i>		<i>1st April 1974</i>

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by section 38 of the National Health Service Reorganisation Act 1973(a) and of all other powers enabling them in that behalf hereby make the following Regulations:—

Citation and commencement:

1. These Regulations may be cited as The Health Service Commissioners (Transitional Provisions) Regulations 1974 and shall come into operation on the 1st April 1974.

Interpretation

2.—(1) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(b) shall apply for the purposes of the interpretation of these Regulations as they apply for the purposes of the interpretation of an Act of Parliament.

(2) In these Regulations “the Act” means the National Health Service Reorganisation Act 1973.

(3) In relation to a relevant body which is abolished in pursuance of section 14 of the Act and is the subject of a complaint to a Commissioner, “the successor body” means a body which appears to the Commissioner to have succeeded to the rights, liabilities or functions of the relevant body.

Transitional provisions relating to complaints

3.—(1) Where a relevant body is abolished in pursuance of section 14 of the Act, the provisions of Part III of, and Schedule 3 to, the Act shall apply, subject to the modifications prescribed in the following paragraphs of this regulation, in relation to a complaint made to a Commissioner in respect of the body which—

(a) was duly made under the Act before the date of abolition; or

(b) is made within the period of one year beginning with that date in accordance with regulation 4 of these Regulations.

 (a) 1973 c. 32.

(b) 1889 c. 63.

(2) The requirement in section 35(4) of the Act that before proceeding to investigate a complaint a Commissioner shall satisfy himself that the complaint has been brought by or on behalf of the person aggrieved to the notice of the relevant body in question and that that body has been afforded a reasonable opportunity to investigate and reply to the complaint, shall apply as if in that subsection after the words "the relevant body in question" where they first occur, there was added the words "or the successor body".

(3) Section 7(1) of the Parliamentary Commissioner Act 1967(a) as applied by section 36(a) of the Act (which relates to affording an opportunity for comment on a complaint) shall apply as if for the references to the relevant body, department or authority there was substituted a reference to the successor body.

(4) Paragraphs (b), (d) and (f) of section 37(1) of the Act (which relate to sending a report of an investigation to bodies concerned) shall not apply, but the Commissioner, where he conducts an investigation, shall send a report of the results of his investigation—

(a) to the successor body; and

(b) when the successor body is a Regional Health Authority, or an Area Health Authority in Wales, to the Secretary of State; and

(c) when the successor body is an Area Health Authority in England, to the Regional Health Authority of which the area is in the region.

(5) Section 37(2) of the Act (which relates to giving notice of a decision not to investigate a complaint) shall apply as if for the requirement to send a statement to the relevant body in question there was substituted a power to send the statement to the successor body.

4. A complaint made in respect of a relevant body within one year beginning with the date of its abolition may be made in accordance with Part III of the Act as if the body had not been abolished.

Keith Joseph,
Secretary of State for Social Services.

15th February 1974.

Peter Thomas,
Secretary of State for Wales.

19th February 1974.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for a complaint to the Health Service Commissioner for England or for Wales in respect of a body which is abolished by the National Health Service Reorganisation Act 1973 to be investigated by the Commissioner notwithstanding such abolition, provided that the complaint is made within 1 year of the date of abolition.

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