
 STATUTORY INSTRUMENTS

1982 No. 75

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Modification of Enactments and
Consequential Provisions) Order 1982**

<i>Made</i> - - - - -	25th January 1982
<i>Laid before Parliament</i>	2nd February 1982
<i>Coming into Operation</i>	23rd February 1982

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 14(2), 15(5) and 54(2) of the National Health Service Reorganisation Act 1973(a) and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the National Health Service (Modification of Enactments and Consequential Provisions) Order 1982 and shall come into operation on 23rd February 1982.

Modification of the National Health Service Reorganisation Act 1973

2.—(1) The National Health Service Reorganisation Act 1973 shall be modified in accordance with the following paragraphs of this Article.

(2) In section 24(1)(b):—

- (a) for the words “the appointed day” where they first occur there shall be substituted the words “the abolition of a preserved Board”;
- (b) the words “(excluding a preserved Board)” shall be omitted;
- (c) for the words “the appointed day” in the second place where they occur there shall be substituted the words “that abolition”;
- (d) in the third paragraph of column 2 of the Table, after the words “Health Authority” there shall be inserted the words “or a special health authority”.

(3) In section 24(2):—

- (a) for the words “after the passing of this Act and before 31st October 1973” there shall be substituted the words “not less than four weeks before the abolition of a preserved Board”;
- (b) for the words “the appointed day” where they first occur there shall be substituted the words “the abolition of that preserved Board”;

(a) 1973 c. 32; section 14(2) was amended by the National Health Service Act 1977(c. 49), section 129 and Schedule 15, paragraph 58.

(b) Section 24(1) was amended by the Health Services Act 1980(c. 53); section 1 and Schedule 1, paragraph 23(4).

- (c) for the words “the appointed day” in the second place where they occur there shall be substituted the words “that abolition”.
- (4) In section 29(1):—
 - (a) for the words “the appointed day” there shall be substituted the words “the abolition of a preserved Board”;
 - (b) the words “and any preserved Board” shall be omitted.

Modification of instruments

3. The Orders specified in columns (1) and (2) of the Schedule hereto shall apply as modified in column (3) of that Schedule.

Consequential provisions relating to accounts

4. A District Health Authority or a special health authority which manages a hospital in place of a preserved Board shall perform, in accordance with section 98 of the National Health Service Act 1977(a) and any regulations and directions made thereunder, such duties as were imposed by section 55(2) of the National Health Service Act 1946(b), as preserved by the National Health Service (Preservation of Boards of Governors) Order 1979(c), on that preserved Board in order to complete the accounts relating to the period before the abolition of that preserved Board and to submit annual accounts relating to that preserved Board for that period to the Secretary of State.

Signed by authority of the Secretary of State for Social Services

25th January 1982.

Gerard Vaughan,
Minister of State,
Department of Health and Social Security.

(a) 1977 c. 49; section 98 has been amended by the Health Services Act 1980, section 1 and Schedule 1, paragraph 69.

(b) 1946 c. 81.

(c) S.I. 1979/51, amended by S.I. 1980/1193, 1981/1548.

SCHEDULE
INSTRUMENTS MODIFIED

Column (1) Instrument	Column (2) Reference	Column (3) Modification
The National Health Service (Amendment of Trust Instruments) Order 1974	S.I. 1974/63	<p>For each reference to "1st April 1974" there shall be substituted a reference to "1st April 1982".</p> <p>For each reference to a "Board of Governors which is not a preserved Board" or "a Board of Governors of a teaching hospital which is not a preserved Board" there shall be substituted a reference to a "Board of Governors which will not be a preserved Board after 1st April 1982".</p> <p>For each reference to "Area Health Authority" and "Area Health Authorities" there shall be substituted a reference to "District Health Authority or special health authority" or "District Health Authorities, special health authorities or both such authorities" respectively.</p> <p>The following expressions may include a reference to a special health authority if the context so admits:—</p> <p>(a) in Article 4(1)(b)(i), the expression "that Authority";</p> <p>(b) in Article 4(1)(b)(ii), the expression "those Authorities", and</p> <p>(c) in Article 4(1)(c), the expression "the Authority or Authorities".</p> <p>Articles 5, 7, 8, 9 and 12 shall be omitted.</p> <p>In Article 2(1):—</p> <p>(a) in the definition of "abolished authority", after the words "preserved Board", there shall be added the words "which has been preserved for a period expiring after 1st April 1982",</p>
The National Health Service (Abolition of Authorities: Consequential Provisions) Order 1974	S.I. 1974/248	

Column (1) Instrument	Column (2) Reference	Column (3) Modification
		<p>(b) for the definition of "appointed day" there shall be substituted the definition "'appointed day' means 1st April 1982", and</p> <p>(c) in the definition of "new health authority", after the words "Area Health Authority", there shall be added the words "District Health Authority".</p> <p>For Article 3 there shall be substituted the following Article:—</p> <p>"3. The District Health Authority which has the duty to wind up the affairs of an abolished preserved Board by virtue of Article 4(2) or (3) of this Order:—</p> <p>(a) may enforce any right which was enforceable by that abolished preserved Board including any right in respect of:—</p> <ul style="list-style-type: none"> (i) the employment of a person and the transfer of employment; (ii) property, and (iii) the payment of a debt due to that preserved Board or due under an undertaking to pay any charges incurred before 1st April 1982 for accommodation or services, and <p>(b) shall be liable in respect of rights which were enforceable against that preserved Board."</p> <p>For Article 4 there shall be substituted the following Article:—</p> <p>"4.—(1) Where a special health authority is to manage a hospital in place of the preserved Board which managed that hospital immediately before its abolition, that special health authority shall wind up the affairs of that preserved Board.</p>

Column (1) Instrument	Column (2) Reference	Column (3) Modification
		<p>(2) On the abolition of:—</p> <p>(a) The Board of Governors of the Royal National Throat, Nose and Ear Hospital,</p> <p>(b) The Board of Governors of the Royal National Orthopaedic Hospitals, and</p> <p>(c) The Board of Governors of St. Peter's Hospitals the Bloomsbury Health Authority shall wind up their affairs.</p> <p>(3) On the abolition of the Board of Governors of St. John's Hospital for Diseases of the Skin, the West Lambeth Health Authority shall wind up its affairs."</p>

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order modifies provisions which are applied on the abolition of preserved Boards of Governors of certain London post-graduate teaching hospitals by section 15(5) of the National Health Service Reorganisation Act 1973. The modifications are of a technical nature. They are primarily concerned with substituting appropriate dates and authorities for those specified in the National Health Service Reorganisation Act 1973 and in the instruments which are specified in the Schedule to this Order (e.g. references to "1st April 1974" are modified for specified purposes to "1st April 1982"). This Order also imposes a duty on the health authority which manages a hospital in place of a preserved Board to render accounts in respect of that Board.

SI 1982/75
ISBN 0-11-026075-9

