
STATUTORY INSTRUMENTS

1992 No. 2905

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Trusts (Consultation
on Dissolution) Amendment Regulations 1992**

Made - - - - 19th November 1992
Laid before Parliament 20th November 1992
Coming into force - - 11th December 1992

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 126(4) and (5) and 128(1) of the National Health Service Act 1977(1) and paragraphs 29(3) and 30(3) of Schedule 2 to the National Health Service and Community Care Act 1990(2), and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service Trusts (Consultation on Dissolution) Amendment Regulations 1992 and shall come into force on 11th December 1992.

(2) In these Regulations, “the principal Regulations” means the National Health Service Trusts (Consultation on Dissolution) Regulations 1991(3).

Amendment of the principal Regulations

2.—(1) In regulation 1(2) of the principal Regulations (interpretation), after the definition of “relevant Regional Health Authority” there shall be added the following definition—

““staff interests” means such persons or bodies as the NHS trust which is to be dissolved may recognise as representing persons who are employed by or for the purposes of that trust, and who are, in its opinion, likely to be affected by an order under paragraph 30 of Schedule 2 to the Act.”.

(1) 1977 c. 49; section 126(4) was amended, and section 126(5) inserted, by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 128(1), which is cited for the definition of “prescribed” and “regulations”, was amended by section 26(2) of the 1990 Act.
(2) 1990 c. 19.
(3) S.I. 1991/1347.

(2) After regulation 2(2) of the principal Regulations there shall be inserted the following paragraphs—

“(2A) Subject to paragraph (3) of this regulation, for the purposes of sub-paragraph (3) of paragraph 30 of Schedule 2 to the Act, the prescribed consultation which must be completed before the Secretary of State may make an order under that paragraph transferring or providing for the transfer of property, rights or liabilities of an NHS trust shall be—

- (a) where the dissolution order in respect of that trust is to be made pursuant to paragraph 29(2)(a) of Schedule 2 to the Act, consultation by that trust with the relevant Community Health Council and staff interests, the results of which shall, within such a period, if any, as the Secretary of State may determine, be reported by that trust to the Secretary of State;
- (b) where the dissolution order in respect of that trust is to be made pursuant to paragraph 29(2)(b) of Schedule 2 to the Act, consultation by the Secretary of State with the relevant Community Health Council and staff interests.

(2B) Consultation required by paragraph (2A) of this regulation may be combined with the consultation required by paragraph (1) of this regulation; and where orders under paragraph 30 of Schedule 2 to the Act are to be made in respect of two or more NHS trusts, the consultation required by paragraph (2A)(a) of this regulation may be undertaken jointly by the NHS trusts concerned.”

(3) In regulation 2(3) of the principal Regulations—

- (a) for the words from “which, except” to “order” there shall be substituted the words “for the purposes of paragraphs 29(3) and 30(3) of that Schedule”; and
- (b) in sub-paragraphs (a) and (b) after the word “Council” in each case where it occurs there shall be inserted the words “and staff interests”.

19th November 1992

Virginia Bottomley
Secretary of State for Health

19th November 1992

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the National Health Service Trusts (Consultation on Dissolution) Regulations 1991 (“the principal Regulations”) to provide for the consultation required before the Secretary of State makes an order under paragraph 30 of Schedule 2 to the National Health Service and Community Care Act 1990 in connection with the transfer of the property, rights and liabilities, including staff, of a National Health Service trust which is to be dissolved.

The principal Regulations provide for consultation required before the Secretary of State makes an order dissolving an NHS trust. These Regulations amend regulation 2 of the principal Regulations to provide that consultation on the transfer of property, rights and liabilities should be subject to the same requirements as that consultation, may be combined with that consultation and must be with the same persons or bodies, with the addition of “staff interests”, a definition of which is inserted by these Regulations in to regulation 1 of the principal Regulations.