
STATUTORY INSTRUMENTS

1994 No. 683

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service
(Determination of Regions) Order 1994**

<i>Made</i>	- - - -	<i>10th March 1994</i>
<i>Laid before Parliament</i>		<i>10th March 1994</i>
<i>Coming into force</i>	- -	<i>1st April 1994</i>

The Secretary of State for Health, in exercise of powers conferred on her by sections 8(1), (2) and (4) and 126(3) and (4) of the National Health Service Act 1977(1) 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 National Health Service (Determination of Regions) Order 1994 and shall come into force on 1st April 1994.

(2) In this Order—

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

“the material date” means 1st April 1994;

“the new authorities” means the Regional Health Authorities specified in column (2) of Schedule 2 to the National Health Service (Regional Health Authorities) Order 1994(2) being in each case an authority established by that Order;

“the old authorities” means the Regional Health Authorities specified in Schedule 1 to that Order, being in each case an authority abolished by that Order;

“the relevant new authority” means—

(a) as respects any old authority specified in column (1) of Part I of Schedule 1 to this Order, the new authority which is specified in column (2) of that Part in relation to that old authority;

(1) 1977 c. 49; section 8 was amended by the Health Services Act 1980 (c. 53), Schedule 1, Part I, paragraph 28, and by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 126(3) and (4) was amended by section 65(2) of the 1990 Act.

(2) S.I.1994/684.

- (b) as respects each of the old authorities referred to in Part II of that Schedule, the new authority which is determined, in accordance with that Part, to be the relevant new authority in relation to that old authority.
- (3) In Schedule 3 to this Order (National Health Service regions)—
 - (a) references in column (3) to the area of a former borough are references to such an area as existing immediately before 1st April 1974; and
 - (b) references in that column to other local government areas are references to such areas as determined under the Local Government Act 1972⁽³⁾ on 1st August 1981, and no account shall be taken for the purposes of that Schedule of any subsequent change effected under that Act in the boundaries of those areas.

Determination of regions

- 2.—(1) The regions specified in Schedule 2 to this Order are hereby abolished.
- (2) Each of the regions described in column (3) of Schedule 3 to this Order and numbered 2 and 7 in column (1) of that Schedule shall continue to be determined as a region for the purposes of section 8 of the Act and to be known by the name specified in relation to it in column (2) of that Schedule.
- (3) Each of the regions described in column (3) of Schedule 3 to this Order and numbered 1, 3, 4, 5, 6 and 8 in column (1) of that Schedule is hereby determined as a region for the purposes of section 8 of the Act and shall be known by the name specified in relation to it in column (2) of that Schedule.

Transfer of officers employed by Regional Health Authorities

- 3.—(1) Except as provided by paragraphs (2) and (3) of this article, any officer employed immediately before the material date by any of the old authorities shall on the material date be transferred to the employment of the relevant new authority, and the contract of employment of that officer shall be modified so as to substitute as the employer the relevant new authority.
- (2) Where—
 - (a) this article makes provision for the transfer of an officer; and
 - (b) the officer in question is employed jointly by any of the old authorities and another person, that provision shall have effect to transfer that officer to the employment of the relevant new authority and that other person jointly, and the contract of employment of that officer shall be modified so as to substitute the relevant new authority as one of the joint employers.
- (3) This article shall not apply to any officer whose employment is, on the material date, to be transferred—
 - (a) by or under Part I of the National Health Service and Community Care Act 1990⁽⁴⁾, to a National Health Service trust; or
 - (b) under the National Health Service (Transfer of Officers) (No.2) Regulations 1986⁽⁵⁾, to another health authority.

Preservation of training arrangements

- 4. Training arrangements made by any of the old authorities under which any officer transferred by this Order is undergoing, or is to undergo, a course of training or has entered, or is going to enter,

(3) 1972 c. 70.
 (4) 1990 c. 19.
 (5) S.I.1986/524.

into an apprenticeship, and which have not been discharged before the material date, shall continue to apply with the substitution for the old authority of the relevant new authority.

Enforceability of rights

5. Subject to the following provisions of this Order, any right which was enforceable by or against any of the old authorities shall be enforceable by or against the relevant new authority.

Winding up of affairs of old authorities

6. Each new authority shall take, in accordance with such directions as may be given by the Secretary of State, such action as may be necessary for the winding up of the affairs of any old authority in relation to which it is the relevant new authority.

Accounts of old authorities

7. Any duty imposed on any of the old authorities by section 98(6) of the Act, but not performed by the material date, shall be performed by the relevant new authority in accordance with the provisions of that section, any regulations made under that section and any directions which may be given by the Secretary of State.

Provision for continuity in exercise of functions

8.—(1) Anything duly done by, or any application duly made by, or any direction, authorisation or notice duly given to or by, any of the old authorities shall be deemed to have been duly done by, or made by or given to or by the relevant new authority.

(2) Any instrument made by any of the old authorities shall continue in force, unless it is expressed to cease to be in force sooner, until it is varied or revoked by the relevant new authority.

(3) Any form supplied by any of the old authorities and any form supplied by the Secretary of State relating to any of the old authorities shall continue to be a valid form in relation to the relevant new authority until it is cancelled or withdrawn by the Secretary of State or the relevant new authority, as if any reference contained in such a form to any of the old authorities were a reference to the relevant new authority.

Accommodation and services made available on payment of charges

9. To the extent that any accommodation and services at any hospital managed by any of the old authorities are, immediately before the material date, authorised to be made available under section 65(7) of the Act, they shall continue to be authorised to be made available under that section, to the extent determined by that old authority, on or after that date until such authorisation is varied or revoked by the relevant new authority.

Investigation of complaints by Health Service Commissioner

10. A complaint made under the Health Service Commissioners Act 1993(8) to the Health Service Commissioner for England in relation to any of the old authorities, whether made before, on

(6) 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).

(7) Section 65 was substituted by section 7(10) of the Health and Medicines Act 1988 (c. 49), and amended by section 25 of the National Health Service and Community Care Act 1990 (c. 19).

(8) 1993 c. 46.

or after the material date, may be investigated by that Commissioner, notwithstanding the abolition of that authority, as if the complaint had been made in relation to the relevant new authority.

Transfer of trust property of old authorities

11. Any trust property vested immediately before the material date in any of the old authorities shall on the material date be transferred to the relevant new authority.

Exercise of powers in relation to trusts

12. Where, immediately before the material date, any power to appoint trustees of a charity connected with purposes relating to the health service⁽⁹⁾ is under the trusts of the charity vested in any of the old authorities that power shall vest on the material date in the relevant new authority.

Appointment of new trustees

13. Where, under the trusts of a charity connected with health service purposes, the charity trustees immediately before the material date include a person who is a trustee by virtue of his office with any of the old authorities, the trustees shall from that date instead include the holder of the corresponding office with the relevant new authority.

Revocations

14. The Orders specified in column (1) of Schedule 4 to this Order shall be revoked to the extent specified in column (3) of that Schedule.

Signed by authority of the Secretary of State for Health

10th March 1994

Tom Sackville
Parliamentary Under Secretary of State,
Department of Health

(9) See section 91 of the National Health Service Act 1977 (c. 49).

SCHEDULE 1

article 1(2)

RELEVANT NEW AUTHORITIES

PART I

(1) Name of old authority	(2) Relevant new authority
Yorkshire Regional Health Authority	Northern and Yorkshire Regional Health Authority
East Anglian Regional Health Authority	Anglia and Oxford Regional Health Authority
North East Thames Regional Health Authority	North Thames Regional Health Authority
South East Thames Regional Health Authority	South Thames Regional Health Authority
South West Thames Regional Health Authority	South Thames Regional Health Authority
Wessex Regional Health Authority	South and West Regional Health Authority
Oxford Regional Health Authority	Anglia and Oxford Regional Health Authority
South Western Regional Health Authority	South and West Regional Health Authority
Mersey Regional Health Authority	North West Regional Health Authority
North Western Regional Health Authority	North West Regional Health Authority

PART II

Northern Regional Health Authority

1.—(1) As respects the Northern Regional Health Authority (in this paragraph referred to as “the old authority”—

- (a) for the purposes of articles 3 and 4 of this Order (transfer of officers and preservation of training arrangements), the relevant new authority shall—
 - (i) in relation to officers of the authority employed in any hospital or other establishment or facility situated in the former South Cumbria district and managed by that authority, be the North West Regional Health Authority,
 - (ii) in relation to any other officers of the old authority, be the Northern and Yorkshire Regional Health Authority;
- (b) for the purposes of article 5 of this Order (enforceability of rights), the relevant new authority shall—
 - (i) in relation to any right which arose in connection with the old authority’s exercise of its functions in relation to any hospital or other establishment or facility situated in the former South Cumbria district, be the North West Regional Health Authority,
 - (ii) in relation to any other right to which that article applies, be the Northern and Yorkshire Regional Health Authority;
- (c) for the purposes of article 8 of this Order (continuity in exercise of functions), the relevant new authority shall—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) in relation to anything done, any application or instrument made, any direction, notice or authorisation given, or any form supplied, as mentioned in that article in connection with the old authority's exercise of its functions in relation to any hospital or other establishment or facility situated in the former South Cumbria district, be the North West Regional Health Authority,
 - (ii) for all other purposes of that article, be the Northern and Yorkshire Regional Health Authority;
- (d) for the purposes of article 9 of this Order (availability of accommodation and services), the relevant new authority shall—
- (i) in relation to any accommodation and services at a hospital situated in the former South Cumbria district, be the North West Regional Health Authority,
 - (ii) for all other purposes of that article, be the Northern and Yorkshire Regional Health Authority;
- (e) for the purposes of article 10 of this Order (investigation of complaints by the Health Service Commissioner) the relevant new authority shall—
- (i) where the complaint referred to in that article is made in respect of the old authority's exercise of its functions in relation to any hospital or other establishment or facility situated in the former South Cumbria district, be the North West Regional Health Authority,
 - (ii) for all other purposes of that article, be the Northern and Yorkshire Regional Health Authority;
- (f) for the purposes of articles 11, 12 and 13 of this Order (transfer of trust property, exercise of powers and appointment of trustees), the relevant new authority shall—
- (i) where the trust referred to in any of those articles is for purposes connected with any hospital or other establishment or facility situated in the former South Cumbria district, be the North West Regional Health Authority,
 - (ii) in the case of any other trust to which any of those articles applies, be the Northern and Yorkshire Regional Health Authority;
- (g) for all other purposes of this Order, the relevant new Authority shall be the Northern and Yorkshire Regional Health Authority.
- (2) In this paragraph, "the former South Cumbria district" means the district of that name abolished by the National Health Service (Determination of Districts) Order 1994⁽¹⁰⁾.

North West Thames Regional Health Authority

2.—(1) As respects the North West Thames Regional Health Authority (in this paragraph referred to as "the old authority")—

- (a) for the purposes of articles 3 and 4 of this Order (transfer of officers and preservation of training arrangements) the relevant new authority shall—
 - (i) in relation to officers of the old authority employed in any hospital or other establishment or facility situated in one of the former Bedfordshire districts and managed by that authority, be the Anglia and Oxford Regional Health Authority,
 - (ii) in relation to any other officers of the old authority, be the North Thames Regional Health Authority;

⁽¹⁰⁾ S.I.1994/681.

- (b) for the purposes of article 5 of this Order (enforceability of rights), the relevant new authority shall—
 - (i) in relation to any right which arose in connection with the old authority’s exercise of its functions in relation to any hospital or other establishment or facility situated in one of the former Bedfordshire districts, be the Anglia and Oxford Regional Health Authority,
 - (ii) in relation to any other right to which that article applies, be the North Thames Regional Health Authority;
- (c) for the purposes of article 8 of this Order (continuity in exercise of functions), the relevant new authority shall—
 - (i) in relation to anything done, any application or instrument made, any direction, notice or authorisation given, or any form supplied, as mentioned in that article in connection with the old authority’s exercise of its functions in relation to any hospital or other establishment or facility situated in one of the former Bedfordshire districts, be the Anglia and Oxford Regional Health Authority,
 - (ii) for all other purposes of that article, be the North Thames Regional Health Authority;
- (d) for the purposes of article 9 of this Order (availability of accommodation and services) the relevant new authority shall—
 - (i) in relation to any accommodation and services at a hospital situated in one of the former Bedfordshire districts, be the Anglia and Oxford Regional Health Authority,
 - (ii) for all other purposes of that article, be the North Thames Regional Health Authority;
- (e) for the purposes of article 10 of this Order (investigation of complaints by the Health Service Commissioner) the relevant new authority shall—
 - (i) where the complaint referred to in that article is made in respect of the old authority’s exercise of its functions in relation to any hospital or other establishment or facility situated in one of the former Bedfordshire districts, be the Anglia and Oxford Regional Health Authority,
 - (ii) for all other purposes of that article, be the North Thames Regional Health Authority;
- (f) for the purposes of articles 11, 12 and 13 of this Order (transfer of trust property, exercise of powers and appointment of trustees), the relevant new authority shall—
 - (i) where the trust referred to in any of those articles is for purposes connected with any hospital or other establishment or facility situated in one of the former Bedfordshire districts, be the Anglia and Oxford Regional Health Authority,
 - (ii) in the case of any other trust to which any of those articles applies, be the North Thames Regional Health Authority;
- (g) for all other purposes of this Order, the relevant new authority shall be the North Thames Regional Health Authority.

(2) In this paragraph “the former Bedfordshire districts” means North Bedfordshire district and South Bedfordshire district which were abolished by the National Health Service (Determination of Districts) Order 1994.

SCHEDULE 2

article 2(1)

REGIONS ABOLISHED

Northern Region

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Yorkshire Region
- East Anglian Region
- North West Thames Region
- North East Thames Region
- South East Thames Region
- South West Thames Region
- Wessex Region
- Oxford Region
- South Western Region
- Mersey Region
- North Western Region

SCHEDULE 3

article 2(2) and (3)

NATIONAL HEALTH SERVICE REGIONS

(1) Number of region	(2) Name of region	(3) Description of region
1	Northern and Yorkshire Region	The counties of Cleveland, Cumbria (except the districts of Barrow-in-Furness and South Lakeland), Durham, Humberside, Northumberland, North Yorkshire, Tyne and Wear and West Yorkshire.
2	Trent Region	The counties of Derbyshire (except, in the borough of High Peak, the area of the former borough of Glossop, and the parishes of Charlesworth, Chisworth and Tintwistle), Leicestershire, Lincolnshire, Nottinghamshire and South Yorkshire.
3	Anglia and Oxford Region	The counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Norfolk, Northamptonshire, Oxfordshire and Suffolk; and the Royal county of Berkshire.
4	North Thames Region	The counties of Essex and Hertfordshire; the London boroughs of Barking, Barnet, Brent, Camden, Ealing, Enfield, Hackney, Hammersmith and Fulham,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) Number of region	(2) Name of region	(3) Description of region
		Haringey, Harrow, Havering, Hillingdon, Hounslow, Islington, Newham, Redbridge, Tower Hamlets and Waltham Forest; the Royal borough of Kensington and Chelsea; the Cities of London and Westminster; and the Inner Temple and the Middle Temple.
5	South Thames Region	The counties of East Sussex, Kent, Surrey and West Sussex; the London boroughs of Bexley, Bromley, Croydon, Greenwich, Lambeth, Lewisham, Merton, Richmond upon Thames, Southwark, Sutton and Wandsworth, and the Royal borough of Kingston upon Thames.
6	South and West Region	The counties of Avon, Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Isle of Wight, Somerset and Wiltshire; and the Isles of Scilly.
7	West Midlands Region	The counties of Hereford and Worcester, Shropshire, Staffordshire, Warwickshire and West Midlands.
8	North West Region	The counties of Cheshire, Greater Manchester, Lancashire and Merseyside; in the county of Cumbria, the districts of Barrow-in-Furness and South Lakeland; and in the county of Derbyshire, in the borough of High Peak, the area of the former borough of Glossop and the parishes of Charlesworth, Chisworth and Tintwistle.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 4

article 14

REVOCATIONS

(1) Orders revoked	(2) References	(3) Extent of revocation
The National Health Service (Determination of Regions) Order 1981	S.I. 1981/1836	The whole Order
The National Health Service (Determination of Regions) Amendment Order 1982	S.I. 1982/343	The whole Order
The National Health Service (Determination of Regions and Districts) Amendment Order 1990	S.I. 1990/1755	Article 3
The National Health Service (Determination of Regions) Amendment Order 1993	S.I. 1993/571	The whole Order

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st April 1994 the 12 National Health Service regions specified in Schedule 2, continues the determination of 2 regions and determines 6 new regions, specified in Schedule 3.

This Order makes provision for the transfer of officers (article 3) from Regional Health Authorities abolished on 1st April 1994 by the National Health Service (Regional Health Authorities) Order 1994 to the relevant new Regional Health Authorities established by that Order, and for the transfer of rights and liabilities of the abolished Authorities (article 5). It also makes further provision consequential on the establishment of the new Regional Health Authorities.

This Order revokes earlier Orders relating to the determination of regions for the purposes of the National Health Service Act 1977 (article 14 and Schedule 4).