
STATUTORY INSTRUMENTS

1995 No. 533

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Determination
of Districts) (No. 2) Order 1995**

<i>Made</i>	- - - -	<i>1st March 1995</i>
<i>Laid before Parliament</i>		<i>9th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State for Wales, in exercise of the powers conferred on him 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 him 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 Districts) (No. 2) Order 1995 and shall come into force on 1st April 1995.

(2) In this Order—

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

“the material date” means 1st April 1995;

“the new authority” means Dyfed Health Authority established by the National Health Service (District Health Authorities) (No. 2) Order 1995(2);

“the old authorities” means East Dyfed Health Authority and Pembrokeshire Health Authority the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(3);

(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), section 1.
(2) S.I.1995/534.
(3) S.I. 1990/1756 as amended by S.I. 1995/emsp; emsp;.

Variation of districts

2.—(1) East Dyfed District and Pembrokeshire District are hereby abolished and there is determined a new district, to be known as Dyfed District, comprising the former East Dyfed District and the former Pembrokeshire District.

(2) In the National Health Service (Determination of Districts) Order 1981(4)—

- (a) article 3(4) is hereby revoked;
- (b) the entries in columns 1 and 2 of Part I of Schedule 2 are omitted.

Transfer of officers employed by District Health Authorities

3.—(1) Except as provided by paragraphs (2) and (3) of this article, any officer employed immediately before the material date by either or both of the old authorities is, on the material date, transferred to the employment of the new authority.

(2) Where—

- (a) this article makes provision for the transfer of an officer, and
- (b) the officer in question is employed by either or both of the old authorities and another person,

this provision shall have effect to transfer that officer to the employment of the new authority and that other person jointly.

(3) Where by virtue of this article the employment of an officer is transferred to the employment of the new authority or of that authority jointly with another person, the contract of employment of that officer is modified so as to substitute the new authority as the employer or as one of the joint employers.

Preservation of training arrangements

4. Training arrangements made by either 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, into an apprenticeship and which have not been discharged before the material date, continue to apply with the substitution for the old authority of the new authority.

Enforceability of rights

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

Winding up of affairs of old authorities

6. It is the duty of the new authority to 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 either of the old authorities.

Accounts of old authorities

7. Where, on the material date, either of the old authorities has not performed in respect of any period before that date any duty imposed on it by section 98(5) of the Act, the new authority shall

(4) S.I. 1981/1837.

(5) 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).

perform that duty 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 either of the old authorities is deemed to have been duly done by, or made or given to or by the new authority.

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

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

Accommodation and services made available on payment of charges

9. To the extent that any accommodation and services at any hospital in the district of either of the old authorities are, immediately before the material date, authorised to be made available under section 65(6) of the Act, they continue to be authorised to be made available under that section, to the extent determined, on or after that date until such authorisation is varied or revoked by the new authority.

Investigation of complaints by Health Service Commissioner

10.—(1) A complaint made under the Health Service Commissioners Act 1993(7) to the Health Service Commissioner for Wales in relation to either of the old authorities, whether made before, on 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 new authority.

(2) The Health Service Commissioner for Wales, where he conducts such an investigation, shall send a report of the result of his investigation to the new authority and the Secretary of State.

Transfer of trust property of old authorities

11. Any trust property vested immediately before the material date in either of the old authorities shall on the material date be transferred to the 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(8) is under the trusts of the charity vested in either of the old authorities, that power vests on the material date in the 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 an officer of either of the old authorities, the trustees shall from that date instead include the holder of the corresponding office with the new authority.

(6) 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).

(7) 1993 c. 46.

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

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

1st March 1995

John Redwood
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st April 1995 the districts of East Dyfed and Pembrokeshire and determines a new district called Dyfed District for the purposes of the National Health Service Act 1977 (article 2).

The National Health Service (District Health Authorities) (No. 2) Order 1995 abolishes on the same date East Dyfed and Pembrokeshire Health Authorities and establishes the new district health authority called Dyfed Health Authority, or Awdurdod Iechyd Dyfed.

This Order makes provision for the transfer of officers from the employment of an authority which is abolished to the employment of Dyfed Health Authority (article 3) and makes provision for the transfer of rights and liabilities of the abolished authorities (article 5). It also makes further provisions consequential on the establishment of Dyfed Health Authority (articles 4 and 6 – 13).