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STATUTORY INSTRUMENTS

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**1995 No. 562**

**The National Health Service  
(Determination of Districts) Order 1995**

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Health Service (Determination of Districts) Order 1995 and shall come into force on 1st April 1995.

(2) In this Order, unless the context otherwise requires—

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

“the material date” means 1st April 1995;

“the new authorities” means the health authorities specified in Schedule 2 to the National Health Service (District Health Authorities) Order 1995(1), being in each case an authority established by that Order;

“the old authorities” means the health authorities specified in Schedule 1 to that Order, being—

- (a) in the case of the North West Surrey Health Authority and in the case of the South West Surrey Health Authority, authorities established by the National Health Service (District Health Authorities) Order 1993(2);
- (b) in the case of the South and East Cheshire Health Authority, an authority established by the National Health Service (District Health Authorities) (No.2) Order 1993(3); and
- (c) in all other cases, authorities the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(4);

“the relevant new authority”—

- (a) as respects the old authorities Chester Health Authority and South and East Cheshire Health Authority, means South Cheshire Health Authority;
- (b) as respects the old authorities Chichester Health Authority, Mid Downs Health Authority and Worthing District Health Authority, means West Sussex Health Authority;
- (c) as respects the old authorities North West Surrey Health Authority and South West Surrey Health Authority, means Western Surrey Health Authority;
- (d) as respects the old authorities East Surrey Health Authority and Mid Surrey Health Authority, means Eastern Surrey Health Authority;

“the 1981 Order” means the National Health Service (Determination of Districts) Order 1981(5).

**Variation of districts**

2.—(1) The districts specified in Schedule 1 to this Order are hereby abolished.

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(1) S.I.1995/563.

(2) S.I. 1993/572.

(3) S.I. 1993/2218.

(4) S.I. 1990/1756, as amended by S.I. 1991/325, 2040, 1992/119, 366, 2164, 2752, 1993/572, 2218, 1994/680, 1260 and 2288.

(5) S.I. 1981/1837; a new Schedule 1 was substituted by S.I. 1994/681, to which there are amendments not relevant to this Order.

(2) There are determined four new districts, to be known by the names specified in column (1) of Schedule 2 to this Order, and each comprising the former districts shown in relation to it in column (2) of that Schedule.

(3) North Cheshire District is varied so as to exclude the parishes of Alvanley, Antrobus (as altered by the Macclesfield and Vale Royal (Areas) Order 1982(6)), Aston, Dutton, Frodsham, Great Budworth, Helsby, Kingsley, Manley, Norley, Sutton and Whitely in the district of Vale Royal, in the county of Cheshire.

(4) Wirral District is varied so as to exclude the area of the former urban district of Neston, in the borough of Ellesmere Port and Neston in the county of Cheshire.

(5) In Part I of Schedule 1 to the 1981 Order—

- (a) the entries in columns (1), (2) and (3) relating to Chester District, Chichester District, East Surrey District, Mid Downs District, Mid Surrey District, North Cheshire District, North West Surrey District, South and East Cheshire District, South West Surrey District, Wirral District and Worthing District are omitted;
- (b) at the appropriate point there are inserted in columns (1), (2) and (3) the entries set out in columns (1), (2) and (3) respectively of Schedule 3 to this Order.

(6) In paragraph (5)(b) of this article “the appropriate point” means—

- (a) in relation to Eastern Surrey District, after the entries relating to Croydon District;
- (b) in relation to Western Surrey District, after the entries relating to South East London District;
- (c) in relation to West Sussex District, after the entries relating to West Kent District;
- (d) in relation to North Cheshire District, after the entries relating to Morecambe Bay District;
- (e) in relation to South Cheshire District, after the entries relating to Sefton District;
- (f) in relation to Wirral District, after the entries relating to West Pennine District.

### **Transfer of officers employed by District Health Authorities**

3.—(1) Except as provided by paragraph (2) of this article, any officer employed immediately before the material date by any of the old authorities is transferred on the material date to the employment of the relevant new authority, and the contract of employment of that officer is 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 is modified so as to substitute the relevant new authority as one of the joint employers.

### **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, 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 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 is enforceable by or against the relevant new authority.

### **Winding up of affairs of old authorities**

6. It is the duty of each new authority to take, in accordance with such directions as may be given by the Regional Health Authority in whose region the district of the new authority is situated, 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(7) 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 is deemed to have been duly done by, or made or given to or by, the relevant new authority.

(2) Any instrument made by any 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 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 continues to be a valid form in relation to the relevant new authority until it is cancelled or withdrawn by the Secretary of State or, as the case may be, the relevant new authority, as if any reference contained in the 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 in the district of any of the old authorities are, immediately before the material date, authorised to be made available under section 65(8) of the Act, they 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.—(1) A complaint made under the Health Service Commissioners Act 1993(9) to the Health Service Commissioner for England in relation to any 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 relevant new authority.

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(7) 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).

(8) 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).

(9) 1993 c. 46.

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

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(2) The Health Service Commissioner for England, where he conducts such an investigation, shall send a report of the result of his investigation to the new authority and to the Regional Health Authority in whose region the district of that new authority is situated.

#### **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<sup>(10)</sup> is under the trusts of the charity vested in any of the old authorities, that power vests 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.

Signed by authority of the Secretary of State for Health

6th March 1995

*Tom Sackville*  
Parliamentary Under Secretary of State,  
Department of Health

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<sup>(10)</sup> See section 91 of the National Health Service Act 1977 (c. 49).