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STATUTORY INSTRUMENTS

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**1999 No. 804**

**The Welsh Health Common Services  
Authority (Abolition) Order 1999**

**Citation, commencement and interpretation**

1.—(1) This order may be cited as the Welsh Health Common Services Authority (Abolition) Order 1999 and shall come into force on 1st April 1999.

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

“the Authority” means the Welsh Health Common Services Authority constituted under the Constitution Order;

“Constitution Order” means the Welsh Health Common Services Authority Constitution Order 1990(1);

“material date” means 1st April 1999;

“NHS contract” has the same meaning as in the National Health Service and Community Care Act 1990; and

“Secretary of State” means the Secretary of State for Wales.

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

(a) any reference to a numbered article is a reference to the article bearing that number in this Order;

(b) any reference in an article to a numbered paragraph is a reference to the paragraph bearing that number in that article; and

(c) any reference to a numbered Schedule is a reference to the Schedule to this Order bearing that number.

**Revocation of Order and abolition of Authority**

2. The Constitution Order is hereby revoked and the Authority is abolished.

**Transfer of property, rights and liabilities**

3.—(1) Subject to paragraph 2 of this article and article 4 of this Order—

(a) All land held by the Authority immediately before the material date, and all rights and liabilities acquired or incurred by the Authority in relation to such land, shall be transferred to the Secretary of State.

(b) Where by virtue of this paragraph any hereditament comprising land is transferred from the Authority to the Secretary of State any property in or on the land immediately before the material date including any movable property, and all rights and liabilities acquired or incurred by the Authority in relation to such property, shall be transferred to the Secretary of State.

- (c) All property which is held by the Authority immediately before the material date, and all rights and liabilities acquired or incurred by the Authority in relation to such property, which does not transfer by virtue of any other provision of this paragraph shall transfer to the Secretary of State.
  - (d) All rights and liabilities acquired or incurred by the Authority that do not transfer by virtue of any other provision of this paragraph shall be transferred to the Secretary of State.
  - (e) All NHS contracts entered into by the Authority shall have effect as if entered into by the Secretary of State.
- (2) Paragraph 1 of this article does not apply in relation to—
- (a) any land or other property transferred by virtue of paragraph 3 of this Article;
  - (b) any right or liability which is enforceable by or against any person by virtue of paragraph 3 of this Article; and
  - (c) any NHS contract given effect by virtue of paragraph 3 of this Article.
- (a) (3) (a) Any land held by the Authority immediately before the material date that is used solely for the purposes of a specialised unit of the Authority named in column (1) of Schedule 1, and all rights and liabilities acquired or incurred by the Authority in relation to such land, shall be transferred to the person specified opposite that unit in column (2) of Schedule 1.
- (b) Where by virtue of this paragraph any hereditament comprising land is transferred from the Authority to a person specified in column (2) of Schedule 1 any property in or on the land immediately before the material date, including any moveable property, and all rights and liabilities acquired or incurred by the Authority in relation to such property, shall be transferred to that person.
- (c) Any property which is held by the Authority immediately before the material date that is used solely for the purposes of a specialised unit of the Authority named in column (1) of Schedule 1 that does not transfer by virtue of any other provision of this paragraph, and all rights and liabilities acquired or incurred by the Authority in relation to such property, shall be transferred to the person specified opposite that unit in column (2) of Schedule 1.
- (d) Any rights and liabilities acquired or incurred by the Authority solely in relation to a specialised unit of the Authority named in column 1 of Schedule 1 that do not transfer by virtue of any other provision of this paragraph shall transfer to the person specified opposite that unit in column 2 of Schedule 1.
- (e) Any NHS contract entered into by the Authority solely in relation to a specialised unit of the Authority named in column 1 of Schedule 1 shall have effect as if entered into by the person specified opposite that unit in column 2 of Schedule 1.
- (f) Nothing in this paragraph shall have effect so as to transfer any rights and liabilities of the Authority arising out of contracts that were entered into before 1st April 1996 in relation to construction projects.
- (4) This article applies to a liability imposed by or under any statutory provision as it applies to a liability which is undertaken voluntarily.

#### **Transfer of staff and obligations under contracts of employment**

4.—(1) Those officers of the Authority described in a Schedule named in column (1) of the following Table who are immediately before the material date employed by the Authority shall transfer to the employment of the person specified opposite that Schedule in column (2) of the Table—

TABLE

<i>(1)</i> <i>Number of Schedule</i>	<i>(2)</i> <i>Specified person</i>
2	Conwy & Denbighshire NHS Trust
3	Velindre NHS Trust
4	Bro Morgannwg NHS Trust
5	North Glamorgan NHS Trust
6	Gwent Healthcare NHS Trust
7	Bro Taf Health Authority
8	Morgannwg Health Authority
9	North Wales Health Authority

(2) Any officer employed by the Authority immediately before the material date solely for the purposes of a specialised unit of the Authority named in column 1 of Schedule 1 and who is not described in a Schedule named in the Table in paragraph 1 of this Article shall be transferred to the employment of the person specified opposite that unit in column 2 of Schedule 1.

(3) Where an officer is transferred by virtue of this article the contract of employment between such officer and the Authority shall have effect as if made between such officer and the person to whom he is transferred.

(4) For the purposes of this article an officer of the Authority is described in Schedules 2 to 9 by reference to either his name or his name and employee number (which is within brackets).

(5) Nothing in this Order shall have effect to continue in force any contract of employment other than in accordance with this Article.

### **Investigation of complaints by Health Service Commissioner for Wales**

5.—(1) A complaint made to the Health Service Commissioner for Wales in relation to a specialised unit of the Authority named in column 1 of Schedule 1, whether made before, on or after the material date, may be investigated by that Commissioner, notwithstanding the abolition of the Authority, as if the complaint was made in relation to the person named opposite that unit in column 2 of Schedule 1.

(2) The Health Service Commissioner for Wales, where he conducts such an investigation, shall send a report of his investigation to the person against whom the complaint is treated as if made.

### **Continuity**

6.—(1) The abolition by this Order of the Authority does not affect the validity of anything done by the Authority before the coming into force of this Order.

(2) Anything done before the material date by or in relation to a specialised unit of the Authority named in column 1 of Schedule 1 shall be treated as having been done by or in relation to the person specified opposite that unit in column 2 of Schedule 1.

(3) Anything done before the material date by or in relation to the Authority other than in relation to a specialised unit of the Authority named in column 1 of Schedule 1 shall be treated as having been done by or in relation to the Secretary of State.

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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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### **Accounts and winding up of affairs of the Authority**

7.—(1) Any duty imposed on the Authority by section 98 of the National Health Service Act 1977, but not performed by the material date, shall be performed by Bro Taf Health Authority(2).

(2) It is the duty of Bro Taf Health Authority to take such action as may be necessary for the winding up of the affairs of the Authority.

Signed by authority of the Secretary of State for Wales

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

11th March 1999

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(2) [See S.I. 1996/146.](#)