
STATUTORY INSTRUMENTS

2006 No. 635

The Special Health Authorities Abolition Order 2006

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Special Health Authorities Abolition Order 2006 and shall come into force on 1st April 2006.

(2) In this Order—

“the CFSMS” means the Counter Fraud and Security Management Service established by the Counter Fraud and Security Management Service (Establishment and Constitution) Order 2002 (1);

“the DVTA” means the Dental Vocational Training Authority established by the Dental Vocational Training Authority (Establishment and Constitution) and Appeal Body (Specification) Order 1993(2);

“the former bodies” shall be construed in accordance with article 2;

“the NHS BSA” means the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) established by the NHS Business Services Authority (Awdurdod Gwasanaethau Busnes y GIG) (Establishment and Constitution) Order 2005(3);

“the NHSL” means the National Health Service Logistics Authority established by the National Health Service Logistics Authority (Establishment and Constitution) Order 1991(4); and

“the PPA” means the Prescription Pricing Authority established by the Prescription Pricing Authority (Establishment and Constitution) Order 1974(5).

Abolition of Special Health Authorities

2. The CFSMS, the DVTA, the NHSL and the PPA (in this Order referred to as “the former bodies”), are abolished and accordingly the Orders and Regulations in Schedule 1 are revoked.

Consequential Amendment of Orders and Regulations

3. The amendments in Schedule 2 are made in consequence of the abolition of the former bodies.

Investigation of complaints by the Health Service Commissioner

4.—(1) A complaint made under the Health Service Commissioners Act 1993(6) to the Health Service Commissioner for England in relation to the CFSMS or the NHSL, whether made before, on or after the coming into force of this Order, may be investigated by the Commissioner notwithstanding the abolition of those Special Health Authorities.

(1) S.I. 2002/3039.

(2) S.I. 1993/2211.

(3) S.I. 2005/2414 amended by S.I. 2006/632.

(4) S.I. 1991/2001 as amended by S.I. 2002/603.

(5) S.I. 1974/9 (now revoked); see articles 3 and 6 of S.I. 1978/331 (now revoked) and S.I. 1990/1718.

(6) 1993 c. 46.

(2) The Health Service Commissioner for England, where she conducts such an investigation, shall send a report of the result of her investigation to the Secretary of State for Health.

Investigation of complaints by the Parliamentary Commissioner

5.—(1) A complaint made under the Parliamentary Commissioner Act 1967(7) to the Parliamentary Commissioner for Administration in relation to the DVTA whether made before, on or after the coming into force of this Order, may be investigated by the Commissioner notwithstanding the abolition of the DVTA.

(2) The Parliamentary Commissioner for Administration for England, where she conducts such an investigation, shall send a report of the result of her investigation to the Secretary of State for Health.

Enforceability of rights and transfer of liabilities of the Special Health Authorities

6.—(1) Any right that was, immediately before 1st April 2006, enforceable by or against the former bodies shall, on or after that date, be enforceable by or against the NHS BSA.

(2) All liabilities of the former bodies shall on 1st April 2006 be transferred to the NHS BSA.

Transfer of property from the Special Health Authorities

7. All property of the former bodies is transferred to the NHS BSA on 1st April 2006.

Transfer of officers of the Special Health Authorities

8.—(1) This paragraph applies in relation to an officer of the former bodies who on 31st March 2006 is wholly or mainly engaged in the performance of the functions of one of those bodies.

(2) Any officer to whom paragraph (1) applies shall, on 1st April 2006, be transferred to the employment of the NHS BSA.

(3) The contract of employment of an officer transferred under paragraph (2)—

- (a) is not terminated by the transfer; and
- (b) has effect from the time of the transfer as if originally made between the officer and the NHS BSA.

(4) Without prejudice to paragraph (3)—

- (a) all the rights, powers, duties and liabilities of a former body under or in connection with its contract of employment with an officer transferred under paragraph (2), shall by virtue of this paragraph be transferred to the NHS BSA; and
- (b) anything done before the date of the transfer by or in relation to the former body in respect of the officer or his contract of employment, shall be deemed to have been done by or in relation to the NHS BSA.

(5) Paragraphs (2) to (4) do not transfer an officer's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if that officer has objected to the transfer to the NHS BSA and had informed the CFSMS, the DVTA, the NHSL or the PPA (as the case may be), of that objection by 31st March 2006.

(6) Where an officer has objected as mentioned in paragraph (5), his contract of employment with that former body shall be terminated immediately before the date on which the transfer would occur, but he shall not be treated, for any purpose, as having been dismissed from that former body.

(7) 1967 c. 13.

(7) This article is without prejudice to any right of an officer to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only that, under this article, the identity of his employer changes unless the officer shows that, in all the circumstances, the change is a significant change and is to his detriment.

Provision for continuity in the exercise of functions

9.—(1) Anything done on or before 31st March 2006 by or in relation to the former bodies shall be deemed to have been done by or in relation to the NHS BSA.

(2) Any appeal or other matter which on 31st March 2006 was being considered by the former bodies shall be considered by the NHS BSA in accordance with any directions made by the Secretary of State.

(3) The matters falling within paragraphs (1) and (2) include any investigation for the purposes of, and the prosecution of, any criminal proceedings.

Winding up of affairs of the Special Health Authorities

10. It shall be the duty of the NHS BSA to take such action as may be necessary for the winding up of the affairs of the former bodies including the preparation of the outstanding accounts of the former bodies and the performance of all statutory duties relating to those accounts.

Signed by authority of the Secretary for Health

8th March 2006

Liam Byrne
Parliamentary Under Secretary of State,
Department of Health