Status: *This is the original version (as it was originally made).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

STATUTORY INSTRUMENTS

1996 No. 511

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Authorities for London Post-Graduate Teaching Hospitals (Abolition) Order 1996

Made - - - -	*6th March 1996*
Laid before Parliament	*7th March 1996*
Coming into force - -	*1st April 1996*

The Secretary of State for Health, in exercise of powers conferred on him by sections 11 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 Authorities for London Post-Graduate Teaching Hospitals (Abolition) Order 1996 and shall come into force on 1st April 1996.

(2) In this Order—

"the Act" means the National Health Service Act 1977;

"the material date" means 1st April 1996;

"Authorities" means the Board of Governors of the National Hospital for Neurology and Neurosurgery and the Board of Governors of the Eastman Dental Hospital;

"the trust" means the University College London Hospitals National Health Service Trust(**2**).

Abolition of Authorities

2. The Authorities are hereby abolished.

(**1**) 1977 c. 49; section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31, by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), Schedule 10 and by the Health Authorities Act 1995 (c. 17) ("the 1995 Act"), Schedule 1, Paragraph 2; section 126(3) was amended by the 1990 Act, section 65(2) and by the 1995 Act, Schedule 1, paragraph 57; section 126(4) was amended by the 1990 Act, section 65(2).

(**2**) *See* S.I. 1996/401.

Transfer of property and enforceability of rights

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

(a) any property of the Authorities is transferred to the Secretary of State; and

(b) any right which was enforceable by or against either of the Authorities immediately before the material date is enforceable by or against the Secretary of State.

(2) Paragraph (1) of this article does not apply in relation to—

(a) any property transferred to the trust on the material date by an order under section 8 of the National Health Service and Community Care Act 1990(**3**); or

(b) any right which becomes exercisable by or against the trust by virtue of such an order.

Winding up of affairs of Authorities

4. It is the duty of the trust to take such action as may be necessary for the winding-up of the affairs of the Authorities.

Accounts of Authorities

5. Any duty imposed on either of the Authorities by section 98(**4**) of the Act, but not performed by the material date, shall be performed by the trust.

Investigation of complaints by Health Service Commissioner

6.—(1) A complaint made under the Health Service Commissioners Act 1993(**5**) to the Health Service Commissioner for England in relation to any hospital, establishment or facility managed by either of the Authorities, whether made before, on or after the material date, may be investigated by that Commissioner, notwithstanding the abolition of the Authorities, as if the complaint had been made in relation to the trust.

(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 trust.

Transfer of trust property of Authorities

7. Any trust property vested immediately before the material date in either of the Authorities is on the material date transferred to the trust.

Exercise of powers in relation to trusts

8. Where, immediately before the material date, any power to appoint trustees of a charity connected with purposes relating to the health service is under the trusts of the charity vested in either of the Authorities, that power vests on the material date in the trust.

Appointment of new trustees

9. Where, under the trusts of a charity connected with health service purposes, the trustees immediately before the material date include a person who is a trustee by virtue of his office

(**3**) 1990 c. 19. Orders under section 8 are not made by statutory instrument.

(**4**) 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), section 20 of the National Health Service and Community Care Act 1990 (c. 19) and paragraph 50 of Schedule 1 to the Health Authorities Act 1995 (c. 17).

(**5**) 1993 c. 46, as amended by paragraph 126 of Schedule 1 to the Health Authorites Act 1995 (c. 17).

with either of the Authorities, the trustees shall from that date instead include the holder of the corresponding office with the trust.

Provision for continuity in exercise of functions

10.—(1) Any application duly made by, or any direction, authorisation or notice given to or by either of the Authorities shall be deemed to have been made by or given to or by the trust.

(2) Any instrument made by either of the Authorities continues in force until it is varied or revoked by the trust.

(3) Any form supplied by either of the Authorities and any form supplied by the Secretary of State in relation to either of the Authorities continues to be a valid form in relation to the trust until it is cancelled or withdrawn by the Secretary of State or the trust, as if any reference contained in the form to an Authority were a reference to the trust.

Revocation and amendment of Instruments

11.—(1) The Authorities for London Post-Graduate Teaching Hospitals (Constitution) Order 1990(**6**) and the Authorities for London Post-Graduate Teaching Hospitals (Constitution) Amendment Order 1990(**7**) are hereby revoked.

(2) In the Authorities for London Post-Graduate Teaching Hospitals (Abolition) Order 1994(**8**)—

(a) in article 1(2) the definition of "the Order" shall be omitted; and

(b) in article 2 the words from ", and accordingly" to the end of the article shall be omitted.

Signed by authority of the Secretary of State for Health,

John Horam
Parliamentary Under Secretary of State,
Department of Health

6th March 1996

(**6**) S.I. 1990/1525.
(**7**) S.I. 1990/1855.
(**8**) S.I. 1994/1831.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes, on 1st April 1996, the Board of Governors of the National Hospital for Neurology and Neurosurgery and the Board of Governors of the Eastman Dental Hospital which are special health authorities continued in being by the Authorities for London Post-Graduate Teaching Hospitals Order 1990.

The Order makes provision for the transfer of property, rights and liabilities from those special health authorities to the Secretary of State (article 3). It also makes further provision consequential on the abolition of those special health authorities.

A copy of the order referred to in article 3(2) of this Order may be obtained from the Department of Health, NHS Trust Unit, Room 1W29, Quarry House, Quarry Hill, Leeds LS2 7UE.