



National Health Service Reorganisation Act 1973

1973 CHAPTER 32

PART II

ABOLITION OF CERTAIN AUTHORITIES AND TRANSFER OF PROPERTY, STAFF AND ENDOWMENTS ETC.

Abolition of certain authorities

14 Abolition of authorities

- (1) All Regional Hospital Boards, Hospital Management Committees and Executive Councils, the Joint Pricing Committee for England, the Welsh Joint Pricing Committee and, except as provided by the following section, all Boards of Governors shall cease to exist on the appointed day; and on that day any authority which is a local health authority by virtue of section 19 of the principal Act shall cease to be a local health authority and all joint boards constituted in pursuance of that section shall cease to exist.
- (2) The Secretary of State may by order make such provision as he considers appropriate in anticipation or in consequence of the abolition by the preceding subsection of any body or in connection with the winding up of the body's affairs; and if a body abolished by that subsection has, as respects a period before the appointed day, not performed a duty imposed on the body by subsection (2) or (3) of section 55 of the principal Act (which relate to accounts), then—
 - (a) it shall be the duty of the Secretary of State to secure that the duty so imposed is performed by a Regional or Area Health Authority or special health authority determined by him ; and
 - (b) that section shall have effect in relation to the body and period in question as if for references to each financial year in subsections (3) and (4) there were substituted references to that period and as if the word " annual " in subsection (3) were omitted.

15 Preservation of certain Boards of Governors

- (1) The Secretary of State may by order provide that the preceding section shall, while the order is in force, not apply to any body specified in the order which is the Board of Governors of a teaching hospital mentioned in Schedule 2 to this Act.
- (2) An order made by virtue of the preceding subsection—
 - (a) must be made before the appointed day except in a case falling within paragraph (c) of this subsection;
 - (b) shall provide for the order to cease to have effect, unless it is previously revoked, on the expiration of a period specified in the order (which shall not be longer than five years beginning with the date on which the order is made);
 - (c) may be made after the appointed day in respect of a preserved Board for the purpose of securing that the Board continues to be a preserved Board for a further period; and
 - (d) may at any time be revoked by order by the Secretary of State;

and it shall be the duty of the Secretary of State, before he makes an order in pursuance of the preceding subsection or paragraph (d) of this subsection, to consult the University of London and the Board of Governors in question about the order.
- (3) The Secretary of State may by order provide that, in relation to a preserved Board and any person, thing, right, liability or other matter whatsoever connected with the Board.—
 - (a) any provision of this Act which repeals or amends any enactment and is specified in the order shall not apply;
 - (b) any enactment which, apart from any provision made by virtue of the preceding paragraph, is repealed or amended by this Act shall have effect with such modifications as are specified in the order; and
 - (c) such provisions of this Act and any instrument in force by virtue of this Act as are specified in the order shall have effect with such modifications as are so specified ;

but nothing in this Act, and in particular nothing in any provision of this Act amending section 55 of the principal Act (which relates to accounts), shall affect the application of that section to a preserved Board.
- (4) The Secretary of State may by order—
 - (a) provide that a preserved Board shall cease to exercise functions with respect to the administration of any hospital specified in the order ;
 - (b) confer on a preserved Board such functions as are specified in the order with respect to the administration of a hospital so specified (whether or not apart from the order the Board has functions with respect to the administration of that hospital); and
 - (c) provide that this Act and any instrument in force by virtue of this Act shall, in relation to any person, thing, right, liability or other matter whatsoever connected with the hospital in question, have effect with such modifications as are specified in the order.
- (5) Where a Board of Governors ceases to be a preserved Board this Act and any instrument in force by virtue of this Act shall, in relation to the Board and any person, thing, right, liability and other matter whatsoever connected with the Board, have effect with the substitution of a reference to the date of the cesser for the first reference in subsection (1) of the preceding section and the reference in subsection (2) of that

section to the appointed day and with such further modifications as the Secretary of State may by order specify.

- (6) In this Act "preserved Board" means a Board of Governors to which by virtue of this section the preceding section does not for the time being apply; and any question whether a person, thing, right, liability or other matter whatsoever is for the purposes of this section connected with a Board of Governors or a hospital shall be determined by the Secretary of State.