
 STATUTORY INSTRUMENTS

1979 No. 51

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Preservation of Boards of
Governors) Order 1979**

<i>Made</i> - - - - -	19th January 1979
<i>Laid before Parliament</i>	26th January 1979
<i>Coming into Operation</i>	22nd February 1979

The Secretary of State for Social Services in exercise of powers conferred upon him by section 15(1), (2), (3) and (5A) of the National Health Service Reorganisation Act 1973(a) as amended by the National Health Service Act 1977(b), and of all other powers enabling him in that behalf, after consultation with the University of London and the Boards of Governors of the teaching hospitals mentioned in Schedule 1 to this order, hereby makes the following order:—

Citation and duration

1.—(1) This order may be cited as the National Health Service (Preservation of Boards of Governors) Order 1979 and shall come into operation on 22nd February 1979.

(2) Unless previously revoked this order shall cease to have effect on 31st March 1982.

(3) In this order—

“the Act of 1973” means the National Health Service Reorganisation Act 1973;

“the Act of 1977” means the National Health Service Act 1977.

Preservation of certain Boards of Governors of teaching hospitals

2. Section 14 (Abolition of Authorities) of the Act of 1973 shall, while this order is in force, not apply to any Board of Governors of a teaching hospital mentioned in Schedule 1 to this order.

Scope of Order

3. The following provisions have effect in relation to a preserved Board and any person, thing, right, liability or other matter whatsoever connected with a preserved Board.

 (a) 1973 c. 32.

(b) 1977 c. 49.

Repeals and amendments not to apply

4. So much of section 57(1) and (2) of, and Schedules 4 and 5 to, the Act of 1973 as repeals or amends enactments specified in Schedule 2 to this order shall not apply.

Modification of enactments otherwise repealed or amended

5. The enactments set out in column 1 of Schedule 3 to this order which are otherwise repealed or amended by the Act of 1973 shall have effect with such modifications as are specified in column 2 of that schedule.

Provisions of enactments to have effect with modifications

6. The enactments specified in column 1 of Schedule 4 to this order shall have effect with such modifications as are specified in column 2 of that schedule.

David Ennals,
Secretary of State for Social Services.

19th January 1979.

Article 2

SCHEDULE 1

TEACHING HOSPITALS OF WHICH THE
BOARDS OF GOVERNORS ARE PRESERVED

The Hospitals for Sick Children
The National Hospitals for Nervous Diseases
The Royal National Throat, Nose and Ear Hospital
The Moorfields Eye Hospital
The Bethlem Royal Hospital and the Maudsley Hospital
St. John's Hospital for Diseases of the Skin
The Royal National Orthopaedic Hospitals
The National Heart and Chest Hospitals
St. Peter's Hospitals
The Royal Marsden Hospital
Queen Charlotte's Hospital for Women
The Eastman Dental Hospital

Article 4

SCHEDULE 2

REPEALS AND AMENDMENTS NOT TO APPLY

THE PUBLIC HEALTH ACT 1936(a)

Section 169(1) Removal to Hospital of Person suffering from Notifiable Disease

Section 244 Removal to Hospital of Person in Common Lodging House suffering from Notifiable Disease

THE NATIONAL HEALTH SERVICE ACT 1946(b)

Section 3(1) Provision of hospital and specialist services

Section 7(1), (2), (3), (7), 8(a), (9), (10) and (11)(a) Endowments of Voluntary Hospitals vesting in Boards of Governors

Section 11(8) and (10) Designation of teaching hospitals

Section 12(3) Duties of Boards of Governors

Section 13 Legal Status of Boards of Governors

Section 14, as amended by section 9(1) of the Health Services and Public Health Act 1968(c) Employment of officers

Section 16(2) Research

Section 54(1)(b) Payments to Boards of Governors

Section 55(2), as amended by section 28 (3) of the Health Services and Public Health Act 1968, and (4) Accounts

Section 60 Power of Trustees to make payments to Boards of Governors

Section 62 Provision of Special Schools

Section 66, as amended by section 12 of the National Health Service (Amendment) Act 1949(d) Qualifications and terms of service of officers

Section 72 Protection of members and officers

Schedule 3 Part IV, as amended by section 29 of, and Schedule 1 to, the National Health Service (Amendment) Act 1949 and section 78(2) of, and Schedule 4 to, the Health Services and Public Health Act 1968 Supplementary provisions relating to Boards of Governors

THE NATIONAL HEALTH SERVICE (AMENDMENT) ACT 1949

Section 18(4) Superannuation of officers

Section 25(2), as substituted by Schedule 7 to the Mental Health Act 1959(e) Payment to officers of Boards of Governors

(a) 1936 c. 49.
(e) 1959 c. 72.

(b) 1946 c. 81.

(c) 1968 c. 46.

(d) 1949 c. 93.

THE NATIONAL HEALTH SERVICE ACT 1952(a)

Section 7(6) Reduction of sums otherwise payable by Boards of Governors to persons who may recover charges

THE LANDLORD AND TENANT ACT 1954(b)

Section 57(6) Protection of Government Departments and Local Authorities applied to hospitals

THE NURSES ACT 1957(c)

Section 13(1) Expenditure for the purposes of training nurses

Section 14 Exclusion of right to receive contributions towards training of nurses

Section 33(1) Definition of Boards of Governors and teaching hospital

THE MENTAL HEALTH ACT 1959

Section 59(1)(a) Definition of "the Managers"

THE RADIOACTIVE SUBSTANCES ACT 1960(d)

Section 14(1) Application of Acts to the Crown

THE REDUNDANCY PAYMENTS ACT 1965(e)

Schedule 3 paragraph 2 Reference to Board of Governors of a teaching hospital

THE BUILDING CONTROL ACT 1966(f)

Section 5(1) Reference to body corporate constituted under section 11 of the National Health Service Act 1946

THE PARLIAMENTARY COMMISSIONER ACT 1967(g)

Schedule 3 Paragraph 8 Action on behalf of Secretary of State by Board of Governors of a teaching hospital not subject to investigation

THE LEASEHOLD REFORM ACT 1967(h)

Section 28(5)(d) and (6)(c) Application to Boards of Governors

THE HEALTH SERVICES AND PUBLIC HEALTH ACT 1968

Section 6 Power of Board of Governors to administer services outside hospital

Section 29(1) Regulation of financial arrangements

Section 34 Superannuation of officers of private hospitals used by Boards of Governors

(a) 1952 c. 25.
(e) 1965 c. 62.

(b) 1954 c. 56.
(f) 1966 c. 27.

(c) 1957 c. 15.
(g) 1967 c. 13.

(d) 1960 c. 34.
(h) 1967 c. 88.

Section 36(1)(a)(ii)	Payment of travelling and other allowances
Section 63(1)(a), (4) and so much of subsection (8) as provides that "Board of Governors of a teaching hospital" has the same meaning as in the National Health Service Act 1946	Instruction of officers
THE POST OFFICE ACT 1969(a)	
Section 86(1)	So much of paragraph (a) of the definition of national health service authority as refers to the Board of Governors of a teaching hospital
THE ROAD TRAFFIC ACT 1972(b)	
Section 156(1)(b), (2)(a) and (3)	Payments for treatment

Article 5

SCHEDULE 3

MODIFICATION OF ENACTMENTS OTHERWISE REPEALED OR AMENDED

THE NATIONAL HEALTH SERVICE ACT 1946

Section 57(1), amended by paragraph 32 of Schedule 4 to the Act	The amended provision shall have effect as if references to a Regional Health Authority included references to a preserved Board
Schedule 3 Part III, repealed by Schedule 5 to the Act	The provision shall not be repealed but shall have effect as if for the words "Regional Hospital Board for the area" there were substituted the words "Regional Health Authority for the region"

THE NATIONAL ASSISTANCE ACT 1948(c)

Section 21(7)(c), amended by paragraph 44 of Schedule 4 to the Act	The amended provision shall have effect as if it included a reference to a Board of Governors of a teaching hospital
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THE NURSES ACT 1957

Section 11(2)(c)(ii), amended by paragraph 71(2) of Schedule 4 to the Act	The amended provision shall have effect as if for sub-section 2(c)(ii) there were substituted the words "(2)(c)(ii) Boards of Governors of teaching hospitals situated in the region"
Section 16, amended by paragraph 75 of Schedule 4 to the Act	The provision as amended shall have effect as if it included a reference to a Board of Governors of a teaching hospital situated in the region
Section 33(2), repealed by Schedule 5 to the Act	The provision shall not be repealed but shall have effect as if for the word "areas" there were substituted the word "regions"

Schedule 2, paragraph 1(b) (Appointments by Board of Governors), amended by paragraph 78(2) of Schedule 4 to the Act	The provision as amended shall have effect as if it included a reference to persons appointed by Boards of Governors of teaching hospitals situated in the region
THE PUBLIC RECORDS ACT 1958(a)	
Schedule 1, as amended by paragraph 82 of Schedule 4 to the Act	The amended provision shall have effect as if references to Regional Health Authorities included references to preserved Boards
THE LOCAL GOVERNMENT ACT 1972(b)	
Section 113(1A) (placing officers at the disposal of other authorities), added by paragraph 151(1) of Schedule 4 to the Act	The provision as added shall have effect as if references to a Regional Health Authority included references to a Board of Governors of a teaching hospital

Article 6

SCHEDULE 4

PROVISIONS OF ENACTMENTS TO HAVE EFFECT WITH MODIFICATIONS

¹ PROVISIONS OF ENACTMENTS	² MODIFICATIONS
<i>Provisions of the Act of 1973</i>	
Section 26(1) (Power to make transfers of trust property)	References to a health authority shall include references to a preserved Board
Section 29(2) (Power of Special Trustees to hold trust property)	References to Special Trustees shall include references to preserved Boards
<i>Provisions of the Act of 1977</i>	
Section 23 (Voluntary Organisations and other bodies)	References to a health authority shall include references to a preserved Board
Section 24 (Overseas Aid)	
Section 26 (Supply of goods and services by Secretary of State)	
Section 27 (Conditions of Supply under section 26)	
Section 28 (Supply of goods and services by local authorities)	

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order which takes effect upon the expiration of the National Health Service (Preservation of Boards of Governors) Order 1974 (S.I. 1974/281), which ceases to have effect on 21st February 1979, preserves from abolition under section 14 of the National Health Service Reorganisation Act 1973 the Boards of Governors of the Teaching Hospitals specified in Schedule 1 (Article 2 of the Order) for a further period until 31st March 1982 and applies in relation to these preserved Boards various statutory provisions with or without modification (Articles 4 to 6 and Schedules 2, 3 and 4).

(a) 1958 c. 51.

(b) 1972 c. 70.

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