
 STATUTORY INSTRUMENTS

1982 No. 203

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

**The National Health Service (Transferred Staff—Appeals and
Modification) Order 1982**

<i>Made</i>	- - -	18th February 1982
<i>Laid before Parliament</i>		26th February 1982
<i>Coming into Operation</i>		19th March 1982

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, after consulting such bodies as they have recognised as representing persons who in their opinion are likely to be transferred or affected by transfers in pursuance of the Orders mentioned in Article 3 of this Order, in exercise of the powers conferred upon them by sections 14(2), 15(5), 18(1), (2) and (4), 19(2) and (4), 54(2) and 56(3) of the National Health Service Reorganisation Act 1973(a) and of all other powers enabling them in that behalf, hereby make the following Order:—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as the National Health Service (Transferred Staff—Appeals and Modification) Order 1982 and shall come into operation on 19th March 1982.

Interpretation

2. In this Order, unless the context otherwise requires:—

“Panel” means the appropriate panel for the hearing of individual appeals specified in two agreements made by the General Whitley Council for the Health Service in respect of England and Wales respectively and approved by the Secretary of State under the National Health Service (Remuneration and Conditions of Service) Regulations 1974(b) on 18th August 1981 and 23rd November 1981 and

“Tribunal” means a Tribunal established under Article 3 of the National Health Service (Transferred Staff—Appeals) Order 1975(c).

 (a) 1973 c.32.

(b) S.I. 1974/296.

(c) S.I. 1975/984.

PART II

DETERMINATION OF QUESTIONS

Jurisdiction of Panel

3. Any question mentioned in—

- (a) Article 8(3)(ii) of the National Health Service (Transfer of Social Services Staff) Order 1974(a) (transferred social services staff);
- (b) Article 3 of the National Health Service (Staff Transfer Appeals and Schemes Order Amendment) Order 1974(b) (appeals by transferred Staff);
or
- (c) Article 6(1) of the National Health Service (Transferred Staff) Order 1975(c) (second transfer of officers);

shall not be determined as provided in those Orders but shall be determined in accordance with the following provisions of this Order by the Panel.

Method of obtaining determination

4.—(1) Any person who wishes to seek the determination of any question referred to in Article 3 above (in this Article referred to as the applicant) shall give notice in writing to the Secretary of the Panel before the expiration of two months beginning with the date on which he receives written notification of the decision which gives rise to the question, or such longer period as the Chairman of the Panel may at any time allow.

(2) Any notice given under paragraph (1) of this Article shall indicate the question of which the determination is sought and shall contain a concise statement of the facts and contentions upon which the person giving the notice intends to rely.

(3) On receiving a notice under paragraph (1) above, the Secretary to whom such notice is addressed shall forthwith transmit that notice to the Chairman of the Panel.

(4) The Panel which has received notice of a question for determination under paragraph (2) above shall determine that question and give notice in writing of that determination to the applicant and any other interested person.

Transitional provisions

5. Where at the commencement of this Order notice of a question mentioned in Article 3 above has been given to a Tribunal but that question has not been determined, the Panel shall determine that question as if it had been referred to it under this Order.

(a) S.I. 1974/318, amended by S.I. 1975/984.

(b) S.I. 1974/378, amended by S.I. 1975/984.

(c) S.I. 1975/364, amended by S.I. 1975/984.

Amendments to orders

6.—(1) In Article 6 of the National Health Service (Staff Transfer Schemes) Order 1974(a) (protection of officers) paragraphs (4), (5) and (6) shall be omitted.

(2) In Article 8(3)(ii) of the National Health Service (Transfer of Social Services Staff) Order 1974 (determination of questions) for the words “the National Health Service (Transferred Staff—Appeals) Order 1975” there shall be substituted the words “the National Health Service (Transferred Staff—Appeals and Modification) Order 1982”.

(3) The National Health Service (Staff Transfer Appeals and Schemes Order Amendment) Order 1974 shall be amended as follows—

(a) in Article 4 (method of obtaining determination) for the words “the National Health Service (Transferred Staff—Appeals) Order 1975” there shall be substituted the words “the National Health Service (Transferred Staff—Appeals and Modification) Order 1982”;

(b) Part III (consideration of representations) shall be omitted.

(4) In Article 6 of the National Health Service (Transferred Staff) Order 1975 (determination of questions) for the words “the National Health (Transferred Staff—Appeals) Order 1975” there shall be substituted the words “the National Health Service (Transferred Staff— Appeals and Modification) Order 1982”.

Revocation of Order

7. The National Health Service (Transferred Staff—Appeals) Order 1975(b) is hereby revoked.

PART III

MODIFICATION OF ORDERS

Modification of Orders

8.—(1) The Schedule to this Order shall have effect in relation to any preserved Board within the meaning of section 15(6) of the National Health Service Reorganisation Act 1973 which is abolished on 1st April 1982, or any person, thing, right, liability or other matter whatsoever connected with such a preserved Board.

(2) The provisions of the Orders specified in columns 1 to 4 of the Schedule shall be modified in relation to such a preserved Board as is mentioned in paragraph 1 above as specified in column 5 of that Schedule.

Norman Fowler,
Secretary of State for Social Services.

15th February 1982.

Nicholas Edwards,
Secretary of State for Wales.

18th February 1982.

(a) S.I. 1974/35, varied by S.I. 1974/378.

(b) S.I. 1975/984.

Article 8

SCHEDULE

MODIFICATION OF ORDERS IN RELATION TO PRESERVED BOARDS

Column 1	Column 2	Column 3	Column 4	Column 5
Order	reference	Article or Schedule	subject matter	modification
The National Health Service (Staff Transfer Schemes) Order 1974	S.I. 1974/35	2 to 5 and 7 2 3(1) 3(2) 7(1)	— duty to make transfer schemes consultation and notification exceptions	As if any reference to 1st April 1974 in those Articles were a reference to 1st April 1982. As if for the words "commencement of this Order", there were substituted the words "commencement of the National Health Service (Transferred Staff—Appeals and Modification) Order 1982", and as if after the words "Area Health Authority" there were inserted the words "District Health Authority". As if after the words "Area Health Authority" there were inserted the words "or persons appointed to be members or staff of any District Health Authority". As if after the words "to any body" there were inserted the words "or persons". As if the reference to 31st March 1974 in that paragraph were a reference to 31st March 1982.
The National Health Service (Transferred Staff) Order 1975	S.I. 1975/364	Schedule 3(1) 3(5) and (6)	duty to make transfer schemes second transfer of officers	As if in Column 1, paragraph 1, after the words "preserved Board of Governors" there were inserted the words "existing after 1st April 1982". As if the reference to 31st March 1976 in that paragraph were a reference to 1st April 1985. As if the references to 1st April 1974 in those paragraphs were references to 1st April 1982.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order further amends the provisions of the Orders mentioned in Articles 3 and 6 which, as previously amended by the National Health Service (Transferred Staff—Appeals) Order 1975, provide for certain questions to be determined by Appeals Tribunals. Those questions shall, on the commencement of this Order, be determined by panels specified in agreements made by the General Whitley Council for the Health Service in respect of England and Wales respectively. Those agreements may be obtained from the General Whitley Council, Hannibal House, Elephant and Castle, London SE1.

This Order also modifies the application of the Orders specified in the Schedule, in regard to appropriate dates, the establishment of District Health Authorities and miscellaneous and technical matters, insofar as those Orders apply on the abolition of the Boards of Governors of certain London post-graduate teaching hospitals on 1st April 1982.

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