
STATUTORY INSTRUMENTS

1991 No. 2039

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Determination
of Districts) (No. 2) Order 1991**

Made - - - - *9th September 1991*
Laid before Parliament *10th September 1991*
Coming into force - - *1st October 1991*

The Secretary of State for Health, in exercise of powers conferred by sections 8(1), (2) and (4) and 126(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 National Health Service (Determination of Districts) (No.2) Order 1991 and shall come into force on 1st October 1991.

(2) In this Order unless the context otherwise requires—

“the Act” means the National Health Service Act 1977;

“the material date” means 1st October 1991;

“the new authority” means Bristol and District Health Authority established by the National Health Service (District Health Authorities) (No. 2) Order 1991(2);

“the old authorities” means Bristol and Weston Health Authority, Frenchay Health Authority and Southmead Health Authority the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(3).

Variation of districts

2. —

(1) 1977 c. 49; section 8 was amended by the Health Services Act 1980 (c. 53), Schedule 1, Part I, paragraph 28, and by the National Health Service and Community Care Act 1990 (c. 19), section 1.

(2) S.I.1991/2040.

(3) S.I. 1990/1756, to which there are amendments not relevant to this Order.

(1) Bristol and Weston District, Frenchay District and Southmead District are hereby abolished, and there is determined a new district to be known as Bristol District, comprising the former Bristol and Weston, Frenchay and Southmead Districts.

(2) Accordingly, in Part I of Schedule 1 to the National Health Service (Determination of Districts) Order 1981⁽⁴⁾—

- (a) the entries in columns (1), (2) and (3) relating to Bristol and Weston District, Frenchay District and Southmead District are omitted, and
- (b) after the entry relating to Wycombe District there are inserted in the appropriate columns the entries set out in the Schedule to this order.

Transfer of officers employed by district health authorities

3. —

(1) Except as provided by paragraph (2) of this article, any officer employed immediately before the material date by one of the old authorities is on the material date transferred to the employment of the new authority, and the contract of employment of that officer is modified so as to substitute as the employer the new authority.

(2) Where—

- (a) this article makes provision for the transfer of an officer, and
 - (b) the officer in question is employed jointly by one of the old authorities and another person,
- that provision shall have effect to transfer that officer to the employment of the new authority and that other person jointly.

Preservation of training arrangements

4. Training arrangements in any of the old authorities under which any officer transferred by this Order is undergoing, or is to undergo, a course of training or has entered, or is going to enter, into an apprenticeship and which have not been discharged before the material date, continue to apply with the substitution for that old authority of the new authority.

Enforceability of rights and liabilities

5. Subject to the following provisions of this Order, any right which was enforceable by or against any of the old authorities is enforceable by or against the new authority.

Winding up of affairs of old authorities

6. It is the duty of the new authority to take, in accordance with such directions as may be given by the South Western Regional Health Authority, such action as may be necessary for the winding up of the affairs of the old authorities.

Accounts of old authorities

7. Where, on the material date, any of the old authorities has not performed in respect of any period before that date any duty imposed on it by section 98⁽⁵⁾ of the Act, the new authority shall

(4) S.I. 1981/1837, to which there are amendments not relevant to this Order.

(5) 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) and Part I of Schedule 8 to the Health and Social Security Act 1984 (c. 48), and by section 20 of the National Health Service and Community Care Act 1990.

perform that duty in accordance with the provisions of that section, any regulations made under that section and any directions which may be given by the Secretary of State.

Provision for continuity in exercise of functions

8. –

(1) Anything duly done by, and any application duly made by, or any direction, authorisation or notice duly given to or by one of the old authorities is deemed to have been duly done by, or made by or given to or by the new authority.

(2) Any instrument made by any of the old authorities continues in force, unless it is expressed to cease to be in force sooner, until it is varied or revoked by the new authority.

(3) Any form supplied by any of the old authorities and any form supplied by the Secretary of State relating to any of the old authorities continues to be a valid form in relation to the new authority until it is cancelled or withdrawn by the Secretary of State or the new authority, as if any reference contained in the form to any of the old authorities were a reference to the new authority.

Accommodation and services made available on payment of charges

9. To the extent that any accommodation and services at any hospital in the district of any of the old authorities is, immediately before the material date, authorised by the Secretary of State to be made available under section 65(1)(6) of the Act, it continues to be authorised to be made available under that section, to the extent determined, on or after that date until such authorisation is varied or revoked by the Secretary of State.

Investigation of complaints by Health Service Commissioner

10. –

(1) A complaint under Part V of the Act to the Health Service Commissioner for England in relation to any of the old authorities, whether made before, on or after the material date, may be investigated by that Commissioner notwithstanding the abolition of that authority, as if the complaint had been made in relation to the new authority.

(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 new authority and the South Western Regional Health Authority.

Exercise of powers in relation to trusts

11. Where, immediately before the material date, any power to appoint trustees of a charity connected with health service purposes is under the trusts of the charity vested in any of the old authorities that power vests on the material date in the new authority.

Appointment of new trustees

12. Where, under the trusts of a charity connected with health service purposes, the charity trustees immediately before the material date include an officer of any of the old authorities, the trustees shall instead include the holder of the corresponding office with the new authority.

(6) Section 65 was substituted by section 7(10) of the Health and Medicines Act 1988 (c. 49), and amended by section 25 of the National Health Service and Community Care Act 1990.

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

9th September 1991

William Waldegrave
Secretary of State for Health

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SCHEDULE

Regulation 2(2)

ENTRIES INSERTED IN PART I OF SCHEDULE 1 TO THE NATIONAL HEALTH SERVICE (DETERMINATION OF DISTRICTS) ORDER 1981

“Col (1)	Col (2)	Col (3)
11	Bristol District	In the county of Avon– the districts of Bath, Kingswood, Northavon, Wansdyke, Woodspring; the City of Bristol.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the districts of Bristol and Weston Health Authority, Frenchay Health Authority and Southmead Health Authority and merges the districts into a new district called Bristol District.

The Order makes provision for the transfer of officers (article 3) from Bristol and Weston Health Authority, Frenchay Health Authority and Southmead Health Authority, which are abolished on 1st October 1991 by the National Health Service (District Health Authorities) (No. 2) Order 1991, to the new Bristol and District Health Authority established by that Order.

The Order makes provision for the transfer of rights and liabilities of the abolished authorities (article 5). It also makes further provisions consequential on the establishment of the new authority.