
STATUTORY INSTRUMENTS

1991 No. 326

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service
(Determination of Districts) Order 1991**

| | | |
|-------------------------------|---------|---------------------------|
| <i>Made</i> | - - - - | <i>25th February 1991</i> |
| <i>Laid before Parliament</i> | | <i>4th March 1991</i> |
| <i>Coming into force</i> | - - | <i>1st April 1991</i> |

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) Order 1991 and shall come into force on 1st April 1991.

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

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

“the material date” means 1st April 1991;

“the old authorities” means Central Birmingham Health Authority, Leeds Eastern Health Authority, Leeds Western Health Authority, North Warwickshire Health Authority, Rugby Health Authority and South Birmingham Health Authority the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(2);

“the relevant new authority” means—

- (a) in relation to the old authorities Central Birmingham Health Authority and South Birmingham Health Authority, South Birmingham Health Authority,
- (b) in relation to the old authorities Leeds Eastern Health Authority and Leeds Western Health Authority, Leeds Health Authority,

(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.1990/1756.

- (c) in relation to the old authorities North Warwickshire Health Authority and Rugby Health Authority, North East Warwickshire Health Authority,
being in each case an authority established by the National Health Service (District Health Authorities) Order 1991⁽³⁾;
“the relevant Regional Authority” means—
- (a) in relation to Leeds Health Authority, Yorkshire Regional Health Authority,
(b) in relation to North East Warwickshire Health Authority and South Birmingham Health Authority, West Midlands Regional Health Authority.

Variation of districts

2.—(1) Leeds Eastern District and Leeds Western District are abolished and there is determined a new district, to be known as Leeds District, comprising the former Leeds Eastern District and the former Leeds Western District.

(2) Central Birmingham District is abolished and South Birmingham District is varied by the inclusion of the former Central Birmingham District.

(3) North Warwickshire District and Rugby District are abolished and there is determined a new district, to be known as North West Warwickshire District, comprising the former North Warwickshire District and the former Rugby District.

(4) 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 Leeds Eastern District, Leeds Western District, Central Birmingham District, North Warwickshire District and Rugby District are omitted;
- (b) after the entries relating to Hull District and to North Birmingham District there are inserted in the appropriate columns the entries set out in Part I and Part II respectively of the Schedule to this Order;
- (c) in the entry in column (3) relating to South Birmingham District for the words which follow “the wards of” there are substituted the words: “Bartley Green, Billesley, Bourneville, Brandwood, Edgbaston, Fox Hollies, Hall Green, Harborne, King’s Norton, Longbridge, Moseley, Northfield, Quinton, Selly Oak, Sparkbrook, Sparkhill and Weoley and in Nechells ward that part lying to the west of the avoiding railway line which runs from Saltley Viaduct to Landor Street Junction to Coventry Road.”.

Transfer of officers employed by district health authorities

3.—(1) Except as provided by paragraphs (2) and (3) of this article, any officer employed immediately before the material date by—

- (a) one of the old authorities, or
(b) the old authorities jointly,

is on the material date transferred to the employment of the relevant 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 or more of the old authorities and another person,

⁽³⁾ S.I. 1991/325.

⁽⁴⁾ S.I. 1981/1837.

that provision shall have effect to transfer that officer to the employment of the relevant new authority and that other person jointly.

(3) Nothing in this article applies to any officer whose employment is, by or under Part I of the 1990 Act, to be transferred on the material date to Leeds General Infirmary and Associated Hospitals National Health Service Trust⁽⁵⁾, Rugby National Health Service Trust⁽⁶⁾ or St. James’s University Hospital National Health Service Trust⁽⁷⁾.

(4) Where by virtue of this article the employment of an officer is transferred to the employment of a relevant new authority or of that authority jointly with another person, the contract of employment of that officer is modified so as to substitute the relevant new authority as the employer or as one of the joint employers.

Transfer of officers employed by West Midlands Regional Health Authority

4.—(1) Any senior medical officer employed immediately before the material date by West Midlands Regional Health Authority for or in connection with the provision of services by South Birmingham District Health Authority is on the material date transferred to the new South Birmingham District Authority, and the contract of employment of such officer is modified so as to substitute as the employer the new South Birmingham District Health Authority.

(2) In this article, “senior medical officer” means any officer employed as a consultant, associate specialist, senior hospital medical officer or senior hospital dental officer.

Preservation of training arrangements

5. 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 the old authority of the authority to the employment of which he is transferred by article 3 or 4 of this Order.

Enforceability of rights and liabilities

6.—(1) 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 relevant new authority.

(2) Nothing in this article affects the enforceability of any right or liability which, by or under Part I of the 1990 Act, is transferred to Leeds General Infirmary and Associated Hospitals National Health Service Trust, Rugby National Health Service Trust or St. James’s University Hospital National Health Service Trust.

Winding up of affairs of old authorities

7. It is the duty of each relevant new authority to take, in accordance with such directions as may be given by the relevant Regional Authority, such action as may be necessary for the winding up of the affairs of an old authority.

(5) See S.I. [1990/2421](#).

(6) See S.I. [1990/2443](#).

(7) See S.I. [1990/2448](#).

Accounts of old authorities

8. 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(8) of the Act, the relevant new authority shall 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

9.—(1) Anything duly done by, and any application duly made by, or any direction, authorisation or notice duly given to or by any of the old authorities is deemed to have been duly done by, or made by or given to or by the relevant 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 relevant 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 relevant new authority until it is cancelled or withdrawn by the Secretary of State or the relevant new authority, as if any reference contained in the form to any of the old authorities were a reference to the relevant new authority.

Accommodation and services made available on payment of charges

10. 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)(9) 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

11.—(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 relevant 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 relevant new authority and the relevant Regional Authority.

Transfer of trust property of old authorities

12. Any trust property vested immediately before the material date in any of the old authorities shall on the material date be transferred to the relevant new authority.

(8) 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) and 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 (c. 19).

(9) Section 65 was substituted by section 7(10) of the Health and Medicines Act 1988 (c. 49), and, with effect from 1st April 1991, is amended by section 25 of the National Health Service and Community Care Act 1990 (c. 19).

Exercise of powers in relation to trusts

13. 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 relevant new authority.

Appointment of new trustees

14. 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 relevant new authority.

Signed by authority of the Secretary of State for Health.

25th February 1991

Stephen Dorrell
Parliamentary Under-Secretary of State,
Department of Health

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

SCHEDULE

Regulation 2(4)

ENTRIES INSERTED IN THE NATIONAL HEALTH SERVICE (DETERMINATION OF DISTRICTS) ORDER 1981

PART I

| “Col (1) | Col (2) | Col (3) |
|----------|----------------|---|
| 2 | Leeds District | In the county of West Yorkshire the city of Leeds.” |

PART II

| “Col (1) | Col (2) | Col (3) |
|----------|----------------------------------|---|
| 12 | North East Warwickshire District | In the county of Warwickshire the boroughs of North Warwickshire, Nuneaton and Bedworth and Rugby.” |

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st April 1991 the districts of Leeds Eastern Health Authority and Leeds Western Health Authority and merges those districts into a new district called Leeds District. It abolishes the districts of North Warwickshire Health Authority and Rugby Health Authority and merges the districts into a new district called North East Warwickshire District. It abolishes the district of Central Birmingham Health Authority and varies the district of South Birmingham Health Authority to incorporate the area of the former Central Birmingham Health Authority.

The National Health Service (District Health Authorities) Order 1991 abolishes on the same date the health authorities named above and establishes the new district health authorities Leeds Health Authority, North East Warwickshire Health Authority and South Birmingham Health Authority. Article 3 of the Order to which this note relates makes provision for the transfer of officers from the employment of an authority which is abolished to the employment of the relevant new authority.

The Order makes provision for the transfer of certain senior medical and dental officers from West Midlands Regional Health Authority to the new South Birmingham Health Authority (article 4), and for the transfer of rights and liabilities of the abolished authorities (article 6). It also makes further provisions consequential on the establishment of the new authorities.