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STATUTORY INSTRUMENTS

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**1992 No. 2751**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service (Determination  
of Districts) (No. 4) Order 1992**

<i>Made</i>	- - - -	<i>3rd November 1992</i>
<i>Laid before Parliament</i>		<i>10th November 1992</i>
<i>Coming into force</i>	- -	<i>1st December 1992</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 her 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. 4) Order 1992 and shall come into force on 1st December 1992.

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

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

“the material date” means 1st December 1992;

“the new authorities” means Bradford Health Authority and North Yorkshire Health Authority, being in each case an authority established by the National Health Service (District Health Authorities) (No. 4) (Order) 1992(2);

“the old authorities” means Airedale Health Authority, Bradford Health Authority, Harrogate Health Authority, Northallerton Health Authority, Scarborough Health Authority and York Health Authority the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(3);

“the relevant new authority”—

(a) as respects the old authorities Airedale Health Authority and Bradford Health Authority, means Bradford Health Authority;

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(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. 1992/2752.  
(3) S.I. 1990/1756; to which there are amendments not relevant to this Order.

- (b) as respects the old authorities Harrogate Health Authority, Northallerton Health Authority, Scarborough Health Authority and York Health Authority, means North Yorkshire Health Authority.

### **Variation of districts**

2.—(1) Airedale District is hereby abolished and Bradford District is varied by the inclusion of the former Airedale District, except for that part of that District which comprised the district of Craven in the county of North Yorkshire;

(2) (Harrogate District, Northallerton District, Scarborough District and York District are hereby abolished, and there is determined a new district to be known as North Yorkshire District comprising the former Harrogate District, the former Northallerton District, the former Scarborough District and the former York District, and the district of Craven in the county of North Yorkshire.

(3) 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 Airedale District, Harrogate District, Northallerton District, Scarborough District and York District are omitted;
- (b) in the entry in column (3) relating to Bradford District for the words from “in the city” to the end of the entry there shall be substituted the words “the city of Bradford.”;
- (c) immediately before the entries relating to Pontefract District there are inserted in columns (1), (2) and (3) the entries set out in columns (1), (2) and (3) respectively of 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 any of the old authorities is transferred on the material date to the employment of the relevant new authority, and the contract of employment of that officer is modified so as to substitute as the employer 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 any of the old authorities and another person,
- that provision shall have effect to transfer that officer to the employment of the relevant new authority and that other person jointly, and the contract of employment of that officer is modified so as to substitute the relevant new authority as one of the joint employers.

### **Preservation of training arrangements**

4. Training arrangements made by 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 relevant 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 relevant new authority.

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(4) [S.I. 1981/1837](#); relevant amendments were made by [S.I. 1991/326](#).

### **Winding up of affairs of old authorities**

6. It is the duty of each new authority to take, in accordance with such directions as may be given by the Yorkshire Regional Health Authority, such action as may be necessary for the winding up of the affairs of any old authority in relation to which it is the relevant new authority.

### **Accounts of old authorities**

7. Any duty imposed on any of the old authorities by section 98(5) of the Act, but not performed by the material date, shall be performed by the relevant new authority 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, or 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**

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

### **Investigation of complaints by Health Service Commissioner**

10.—(1) A complaint made 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 to the Yorkshire Regional Health Authority.

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(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) of, and Part I of Schedule 8 to, the Health and Social Security Act 1984 (c. 48) and section 20 of the National Health Service and Community Care Act 1990 (c. 19).

(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 (c. 19).

### **Transfer of trust property of old authorities**

11. 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.

### **Exercise of powers in relation to trusts**

12. Where, immediately before the material date, any power to appoint trustees of a charity connected with purposes relating to the health service<sup>(7)</sup> 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**

13. 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.

### **Amendment of the National Health Service (Determination of Districts) (No. 3) Order 1992**

14. In article 1(2) of the National Health Service (Determination of Districts) (No. 3) Order 1992<sup>(8)</sup> in the definition of “the new authority”, for the reference to “the National Health Service (District Health Authorities) Order 1992” there shall be substituted a reference to “the National Health Service (District Health Authorities) (No. 3) Order 1992<sup>(9)</sup>”.

Signed by authority of the Secretary of State for Health.

3rd November 1992

*Tom Sackville*  
Parliamentary Under Secretary of State,  
Department of Health

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<sup>(7)</sup> See section 91 of the National Health Service Act 1977 (c. 49).

<sup>(8)</sup> S.I. 1992/2163.

<sup>(9)</sup> S.I. 1992/2164.

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

SCHEDULE

Article 2(3)

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

Column (1)	Column (2)	Column (3)
2	North Yorkshire District	In the county of North Yorkshire—  the district of Craven; the district of Hambleton; the borough of Harrogate; the district of Richmondshire; the district of Ryedale; the borough of Scarborough; the district of Selby and the district of York.

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order abolishes the district of Airedale and varies the district of Bradford so as to incorporate part of the former district of Airedale. It also abolishes the districts of Harrogate, Northallerton, Scarborough and York and merges those districts, together with the remainder of the former district of Airedale, into a new district called North Yorkshire District (article 2 and Schedule).

The Order makes provision for the transfer of officers (article 3) from Airedale Health Authority and Bradford Health Authority, which are abolished on 1st December 1992 by the National Health Service (District Health Authorities) (No. 4) Order 1992 (“the 1992 Order”), to the new Bradford Health Authority established by that Order. It also provides for the transfer of officers (article 3) from Harrogate, Northallerton, Scarborough and York Health Authorities, which are also abolished on that date by the 1992 Order, to the new North Yorkshire Health Authority established by that Order.

This Order makes provision for the transfer of rights and liabilities of the abolished authorities (article 5). It also makes further provision consequential on the establishment of the new authorities and corrects a reference in an earlier instrument.