
STATUTORY INSTRUMENTS

1992 No. 367

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Determination
of Districts) (No. 2) Order 1992**

Made - - - - 21st February 1992

Laid before Parliament 3rd March 1992

coming into force in accordance with article 1

for certain purposes 1st april 1992

for all other purposes 1st april 1993

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 1992 and shall come into force—

- (a) on 1st April 1992 for all purposes other than those specified in paragraph (1)(b) of this article;
- (b) on 1st April 1993 for the purposes of the abolition of Camberwell District, Lewisham and North Southwark District and West Lambeth District and the establishment of South East London District.

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

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

“the material date” means 1st April 1992 in relation to the abolition and establishment of the districts referred to in paragraph (1)(a) of this article, and 1st April 1993 in relation to the abolition and establishment of the districts referred to in paragraph (1)(b) of this article;

(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.

“the old authorities” means the authorities listed in column (1) of Schedule 1 to this Order, the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(2);

“the relevant new authority” means, in relation to each old authority listed in a numbered paragraph in column (1) of Schedule 1 to this Order, the authority shown in the correspondingly numbered paragraph in column (2) of that Schedule, being in each case an authority established by the National Health Service (District Health Authorities) (No. 2) Order 1992(3);

“the relevant Regional Authority” means, in relation to each relevant new authority, the Regional Health Authority in whose region the relevant new authority’s district lies.

Variation of districts

2.—(1) Each of the districts listed in column (1) of Schedule 2 to this Order is abolished and six new districts are determined, to be known by the names shown in column (2) of that Schedule and each comprising the former districts shown in relation to it in column (1) of that Schedule.

(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 the former districts listed in column (1) of Schedule 2 to this Order are omitted;
 - (b) at the appropriate point, there are inserted in columns (1), (2) and (3) the entries set out in columns (1), (2) and (3) respectively of Schedule 3 to this Order.
- (3) In paragraph (2)(b) of this article “the appropriate point” means—
- (a) in relation to North Durham District, after the entries relating to Hartlepool District;
 - (b) in relation to North Nottinghamshire District, after the entries relating to North Lincolnshire District;
 - (c) in relation to North West Anglia District, after the entries relating to Huntingdon District;
 - (d) in relation to East and North Hertfordshire District, after the entries relating to Ealing District;
 - (e) in relation to South East London District, after the entries relating to South East Kent District;
 - (f) in relation to Dorset District, after the entries relating to Bath District.

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) two or more of 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, that provision shall have effect to transfer that officer to the employment of the relevant new authority and that other person jointly.

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

(3) S.I. 1992/366.

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

(3) Nothing in this article applies to any officer whose employment is, by or under Part I of the National Health Service and Community Care Act 1990⁽⁵⁾, to be transferred on the material date to any one of the National Health Service Trusts listed in Schedule 4 to this Order.

(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.

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 the old authority of the authority to the employment of which he is transferred by article 3 of this order.

Enforceability of rights and liabilities

5.—(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 National Health Service and Community Care Act 1990, is transferred to any of the National Health Service Trusts set out in Schedule 4 to this Order.

Winding up of affairs of old authorities

6. 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.

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⁽⁶⁾ 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

8.—(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

(5) 1990 c. 19.

(6) 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).

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 is, immediately before the material date, authorised by the Secretary of State to be made available under section 65(1)(7) 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 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

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 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

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.

21st February 1992

William Waldegrave
Secretary of State for Health

(7) Section 65 was substituted by section 7(10) of the Health and Medicines Act 1988 (c. 49), and was amended by section 25 of the National Health Service and Community Care Act 1990 (c. 19).

SCHEDULE 1

Article 1(2)

RELEVANT NEW AUTHORITIES

<i>Column (1)</i> <i>Name of old authority</i>	<i>Column (2)</i> <i>Name of new authority</i>
1 Durham Health Authority North West Durham Health Authority	1 North Durham Health Authority
2 Bassetlaw Health Authority Central Nottinghamshire Health Authority	2 North Nottinghamshire Health Authority
3 Peterborough Health Authority West Norfolk and Wisbech Health Authority	3 North West Anglia Health Authority
4 East Hertfordshire Health Authority North Hertfordshire Health Authority	4 East and North Hertfordshire Health Authority
5 Camberwell Health Authority Lewisham and North Southwark Health Authority West Lambeth Health Authority	5 South East London Health Authority
6 East Dorset Health Authority West Dorset Health Authority	6 Dorset Health Authority

SCHEDULE 2

Article 2(1)

ABOLISHED AND NEWLY DETERMINED DISTRICTS

<i>Column (1)</i> <i>Name of old authority</i>	<i>Column (2)</i> <i>Name of new authority</i>
Durham District	North Durham District
North West Durham District	
Bassetlaw District	North Nottinghamshire District
Central Nottinghamshire District	
Peterborough District	North West Anglia District

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<i>Column (1)</i> <i>Name of old authority</i>	<i>Column (2)</i> <i>Name of new authority</i>
West Norfolk and Wisbech District	
East Hertfordshire District	East and North Hertfordshire District
North Hertfordshire District	
Camberwell District	South East London District
Lewisham and North Southwark District	
West Lambeth District	
East Dorset District	Dorset District
West Dorset District	

SCHEDULE 3

Article 2(2)(b)

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

<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
1	North Durham District	In the county of Durham— the districts of Chester- le-Street, Derwentside, Durham, and Easington.
3	North Nottinghamshire District	In the county of Nottinghamshire— the districts of Ashfield (except the area of the former urban district of Hucknall), Bassetlaw, Mansfield, and Newark and Sherwood.
4	North West Anglia District	In the county of Cambridgeshire— the city of Peterborough; in the district of Huntingdon, the parishes of Alwalton, Chesterton, Denton and Caldecote, Elton, Farcet, Folksworth and Washingley, Glatton, Haddon, Holme, Morborne, Sibson cum Stibbington, Stilton, Water Newton, and Yaxley;

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<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
		the district of Fenland;
		In the county of Norfolk— the borough of King’s Lynn and West Norfolk; in the district of Breckland, the parishes of Ashill, Beachamwell, Beeston with Bittering, Brisley, Cockley, Cley, Colkirk, Cranwich, Didlington, Foulden, Fransham, Gooderstone, Great Cressingham, Great Dunham, Hilborough, Holme Hale, Horningtoft, Ickburgh, Kempstone, Lexham, Litcham, Little Cressingham, Little Durham, Longham, Lynford, Mileham, Mundford, Narborough, Narford, Necton, Newton by Castle Acre, North Pickenham, Oxborough, Rougham, Scarning, South Acre, South Pickenham, Sporle with Palgrave, Stanfield, Stanford, Sturston, Swaffham, Tittleshall, Weasenhams All Saints, Weasenhams St. Peters, Weeting with Broomhill, Wellingham, Wendling, and Whissonsett; in the district of North Norfolk, the parishes of Dunton, Helhoughton, Raynham, Sculthorpe, Tattersett, Hempton, Toftness, and Shereford.
5	East and North Hertfordshire	In the county of Hertfordshire— the districts of East Hertfordshire, North Hertfordshire, and Welwyn Hatfield;

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<i>Column (1)</i>	<i>Column (2)</i>	<i>Column (3)</i>
		the boroughs of Broxbourne and Stevenage.
7	South East London District	In Greater London— the London Boroughs of Lambeth, Southwark and Lewisham.
9	Dorset District	In the county of Dorset— the districts of Bournemouth, Christchurch, North Dorset, Poole, Purbeck, West Dorset, Weymouth and Portland, and Wimbourne.

SCHEDULE 4

Articles 3(3) and 5(2)

NATIONAL HEALTH SERVICE TRUSTS TO WHICH OFFICERS TO BE TRANSFERRED

Bassetlaw Hospital and Community Services National Health Service Trust**(8)**

Dorset Health Care National Health Service Trust**(9)**

East Hertfordshire Health National Health Service Trust**(10)**

King's Healthcare National Health Service Trust**(11)**

King's Lynn and Wisbech Hospitals National Health Service Trust**(12)**

Poole Hospital National Health Service Trust**(13)**

Royal Bournemouth and Christchurch Hospitals National Health Service Trust**(14)**

St Thomas' Hospital National Health Service Trust**(15)**

(8) See S.I. 1991/2326.

(9) See S.I. 1991/2339.

(10) See S.I. 1991/2343.

(11) See S.I. 1991/2362.

(12) See S.I. 1991/2363.

(13) See S.I. 1991/2387.

(14) See S.I. 1991/2390.

(15) See S.I. 1991/2397.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st April 1992 the districts named in column (1) of Schedule 1 to the Order with the exception of Camberwell District, Lewisham and North Southwark District and West Lambeth District which are abolished on 1st April 1993. The Order merges the old districts in the new districts named in column (2) of that Schedule.

The National Health Service (District Health Authorities) (No. 2) Order 1992 abolishes on 1st April 1992 the health authorities named in column (1) of Schedule 1 to this Order with the exception of Camberwell Health Authority, Lewisham and North Southwark Health Authority and West Lambeth Health Authority which are abolished on 1st April 1993. That Order also establishes the new district health authorities named in it. Article 3 of this Order makes provision for the transfer of officers from the employment of an authority which is abolished to the employment of the relevant new authority.

This Order also provides for the transfer of rights and liabilities of the abolished authorities (article 5) and makes further provisions consequential on the establishment of the new authorities.