
STATUTORY INSTRUMENTS

1993 No.2219

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Determination
of Districts) (No.2) Order 1993**

<i>Made</i>	- - - -	<i>9th September 1993</i>
<i>Laid before Parliament</i>		<i>10th September 1993</i>
<i>Coming into force</i>	- -	<i>1st October 1993</i>

The Secretary of State for Health, in exercise of powers conferred on her 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. 2) Order 1993 and shall come into force on 1st October 1993.

(2) In this Order—

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

“the material date” means 1st October 1993;

“the new authorities” means Berkshire Health Authority, North Cheshire Health Authority, Sefton Health Authority and South and East Cheshire Health Authority, being in each case an authority established by the National Health Service (District Health Authorities) (No. 2) Order 1993(2);

“the old authorities” means Crewe Health Authority, East Berkshire Health Authority, Halton Health Authority, Macclesfield Health Authority, Southport and Formby Health Authority, South Sefton (Merseyside) Health Authority, Warrington Health Authority and West Berkshire Health Authority, the establishment of each of which was continued by the National Health Service (District Health Authorities) Order 1990(3);

(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(1).

(2) S.I.1993/2218.

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

“the 1981 Order” means the National Health Service (Determination of Districts) Order 1981(4);

“the relevant new authority”—

- (a) as respects the old authorities Crewe Health Authority and Macclesfield Health Authority, means South and East Cheshire Health Authority;
- (b) as respects the old authorities East Berkshire Health Authority and West Berkshire Health Authority, means Berkshire Health Authority;
- (c) as respects the old authorities Halton Health Authority and Warrington Health Authority, means North Cheshire Health Authority;
- (d) as respects the old authorities Southport and Formby Health Authority and South Sefton (Merseyside) Health Authority, means Sefton Health Authority.

Variation of districts

2.—(1) Crewe District, East Berkshire District, Halton District, Macclesfield District, Southport and Formby District, South Sefton (Merseyside) District, Warrington District and West Berkshire District are hereby abolished.

(2) Buckinghamshire District is varied so as to include, in the district of South Bucks in the county of Buckinghamshire, the parishes of Burnham, Dorney, Farnham Royal, Fulmer, Hedgerley, Iver, Stoke Poges, Taplow and Wexham.

(3) Oxfordshire District is varied so as to include, in the district of South Oxfordshire in the county of Oxfordshire, the parishes of Bix, Checkendon, Eye and Dunsden, Goring, Goring Heath, Harpsden, Henley-on-Thames, Highmoor, Ipsden, Kidmore End, Mapledurham, Nettlebed, Nuffield, Pishill with Stonor, Rotherfield Greys, Rotherfield Peppard, Shiplake, Sonning Common, South Stoke, Stoke Row, Swyncombe, Whitchurch and Woodcote.

(4) There are determined 4 new districts to be known as—

- (a) Berkshire District, comprising—
 - (i) the former East Berkshire District, but excluding, in the district of South Bucks in the county of Buckinghamshire, the parishes listed in paragraph (2) of this article, and
 - (ii) the former West Berkshire District, but excluding, in the district of South Oxfordshire in the county of Oxfordshire, the parishes listed in paragraph (3) of this article;
- (b) North Cheshire District, comprising the former Halton District and the former Warrington District;
- (c) Sefton District, comprising the former Southport and Formby District and the former South Sefton (Merseyside) District;
- (d) South and East Cheshire District comprising the former Crewe District and the former Macclesfield District.

(5) In Part I of Schedule 1 to the 1981 Order—

- (a) the entries in columns (1), (2) and (3) relating to Buckinghamshire District, Crewe District, East Berkshire District, Halton District, Macclesfield District, Oxfordshire District, Southport and Formby District, South Sefton (Merseyside) District, Warrington District and West Berkshire District 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 the Schedule to this Order.

(4) S.I. 1981/1837, as amended by S.I. 1982/344, 1983/30, 336, 1984/328, 1985/25, 370, 1988/407, 1990/1755, 1991/326, 2039, 1992/120, 367, 2163, 2751 and 1993/574.

- (6) In paragraph (5)(b) of this article “the appropriate point” means—
- (a) in relation to Berkshire District, after the entries relating to Winchester District;
 - (b) in relation to Buckinghamshire District, after the entries relating to Berkshire District;
 - (c) in relation to North Cheshire District, after the entries relating to Chester District;
 - (d) in relation to Oxfordshire District, after the entries relating to Northampton District;
 - (e) in relation to Sefton District, after the entries relating to North Cheshire District;
 - (f) in relation to South and East Cheshire District, after the entries relating to Sefton District.

Transfer of officers employed by old 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

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.

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 Regional Health Authority in whose region the district of the new authority is situated, 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 and any directions which may be given by the Secretary of State.

(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).

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, as the case may be, 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, determined to be made available under section 65(6) of the Act, they continue to be determined 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 Regional Health Authority in whose region the district of that new authority is situated.

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(7) 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 trustees immediately before the material date include a person who is a trustee by virtue of his office with any of the old authorities, the trustees shall from that date instead include the holder of the corresponding office with the relevant 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 (c. 19).

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

Signed by authority of the Secretary of State for Health

9th September 1993

Tom Sackville
Parliamentary Under Secretary of State,
Department of Health

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SCHEDULE

Article 2(5)

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

Column (1)	Column (2)	Column (3)
10	Berkshire District	The Royal county of Berkshire.
10	Buckinghamshire District	The county of Buckinghamshire.
10	Oxfordshire District	The county of Oxfordshire.
13	North Cheshire District	In the county of Cheshire— the boroughs of Halton and Warrington; in the district of Vale Royal, the parishes of Alvanley, Antrobus (as altered by the Macclesfield and Vale Royal (Areas) Order 1982) ⁽⁸⁾ , Aston, Dutton, Frodsham, Great Budworth, Helsby, Kingsley, Manley, Norley, Sutton, and Whitley.
13	Sefton District	In the county of Merseyside— the borough of Sefton.
13	South and East Cheshire District	In the county of Cheshire— the boroughs of Congleton, Crewe and Nantwich, and Macclesfield (as altered by the Macclesfield and Vale Royal (Areas) Order 1982); the district of Vale Royal (except the parishes of Alvanley, Antrobus (as altered by the Macclesfield and Vale Royal (Areas) Order 1982), Aston, Dutton, Frodsham, Great Budworth, Helsby, Kingsley, Manley,

⁽⁸⁾ S.I. 1982/1759.

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Column (1)	Column (2)	Column (3)
		Norley, Sutton, and Whitley).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st October 1993 the districts of Crewe, East Berkshire, Halton, Macclesfield, Southport and Formby, South Sefton (Merseyside), Warrington and West Berkshire, determines new districts and varies other districts, for the purposes of the National Health Service Act 1977 (article 2).

This Order makes provision for the transfer of officers from health authorities abolished on 1st October 1993 by the National Health Service (District Health Authorities) (No. 2) Order 1993 to the relevant new authorities established by that Order (article 3), and 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.

This Order also makes amendments to Part I of Schedule 1 to the National Health Service (Determination of Districts) Order 1981 which specifies districts for the purposes of the National Health Service Act 1977 and describes the areas which comprise those districts (the Schedule).