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STATUTORY INSTRUMENTS

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**1995 No. 621**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Family Health Services Appeal Authority  
(Establishment and Constitution) Order 1995**

<i>Made</i>	- - - -	<i>8th March 1995</i>
<i>Laid before Parliament</i>		<i>8th March 1995</i>
<i>Coming into force</i>	- -	<i>1st April 1995</i>

The Secretary of State, in exercise of powers conferred on her by sections 11(1), (2) and (4) and 126(4) of, and paragraph 9(7)(b) of Schedule 5 to, the National Health Service Act 1977(1) and of all other powers enabling her in that behalf, and after consultation, in accordance with section 11(5) of that Act, with such bodies as she recognises as representing officers who in her opinion are likely to be transferred or affected by transfers in pursuance of the Order, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Family Health Services Appeal Authority (Establishment and Constitution) Order 1995 and shall come into force on 1st April 1995.

(2) In this Order—

“the Authority” means the Family Health Services Appeal Authority established by this Order;  
“the Regional Health Authority” means the Northern and Yorkshire Regional Health Authority(2).

**Establishment of the Family Health Services Appeal Authority**

2. There is hereby established a special health authority which shall be known as the Family Health Services Appeal Authority.

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(1) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 126(4) was amended by section 65(2) of the 1990 Act; paragraph 9(7) was inserted in Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act.  
(2) See S.I. 1994/684, article 4 and Schedule 2.

### **Functions of the Authority**

3. Subject to and in accordance with such directions as the Secretary of State may give to the Authority(3), the Authority shall perform on behalf of the Secretary of State such of her appellate and other functions in connection with decisions and functions of Family Health Services Authorities, and such other functions, as the Secretary of State may direct the Authority to perform on her behalf.

### **Constitution of the Authority**

4. The Authority shall consist of—
- (a) the chairman;
  - (b) not more than three members who are not officers of the Authority;
  - (c) the chief officer of the Authority; and
  - (d) not more than two other members who are officers of the Authority.

### **Transfer of staff**

5. Any officer of the Regional Health Authority who was, immediately before the date upon which this Order comes into force, employed by that Authority in its Family Health Services Appeal Unit (except the person who was immediately before that date acting as the Director of that unit) shall, on the date of the coming into force of this Order, be transferred to the Authority, and the contract of employment between each such officer and the Regional Health Authority shall be modified so as to substitute the Authority as the employer in place of the Regional Health Authority.

### **Enforceability of rights**

6. Any right which was, immediately before 1st April 1995, enforceable by or against the Regional Health Authority as respects the exercise of its functions under the National Health Service (Appellate and Other Functions) Regulations 1992(4) shall on or after that date be enforceable by or against the Authority.

### **Remuneration of members**

7. The Authority is hereby specified for the purposes of paragraph 9(7)(b) of Schedule 5 to the National Health Service Act 1977 (definition of “relevant authority” for the purposes of paying remuneration to members of health authorities).

8th March 1995

*Gerald Malone*  
Minister of State,  
Department of Health

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(3) See, in particular, sections 13, 17 and 18 of the National Health Service Act 1977 (c. 49); sections 13 and 18 were amended by paragraphs 33, 38 and 92 of Schedule 1 to the Health Services Act 1980 (c. 53) and by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”); section 17 was substituted by paragraph 2 of Schedule 3 to the Health and Social Security Act 1984 (c. 48) and amended by sections 3(4) and 12(2) of the 1990 Act.

(4) S.I. 1992/660, as amended by S.I. 1994/682.

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## EXPLANATORY NOTE

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

This Order provides for the establishment and constitution of a special health authority, to be known as the Family Health Services Appeal Authority (“the Authority”), to exercise on behalf of the Secretary of State certain of her appellate and other functions, in connection with decisions and functions of Family Health Services Authorities, which were previously exercised on her behalf by the Northern and Yorkshire Regional Health Authority.

Article 2 of the Order establishes the Family Health Services Appeal Authority, the functions of which are described in article 3 and are to be specified in directions given by the Secretary of State. Provision is made for the constitution of the Authority (article 4), for the transfer of staff to the Authority (article 5), for the enforcement of rights by, and liabilities against, the Authority (article 6), and for the remuneration of members of the Authority who are not also its officers (article 7).