
STATUTORY INSTRUMENTS

1996 No. 490

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Special Hospitals Service Authority (Abolition) Order 1996

Made - - - - *29th February 1996*
Laid before Parliament *1st March 1996*
Coming into force - - *1st April 1996*

The Secretary of State for Health, in exercise of powers conferred on him by sections 11 and 126(3) and (4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf after consulting, in accordance with section 11 of that Act, such bodies as he recognises as representing officers who in his 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 Special Hospitals Service Authority (Abolition) Order 1996 and shall come into force on 1st April 1996.

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

“the 1996 Order” means the Authorities for Ashworth, Broadmoor and Rampton Hospitals (Establishment and Constitution) Order 1996(2);

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

“the old Authority” means the Special Hospitals Service Authority established by the Special Hospitals Service Authority (Establishment and Constitution) Order 1989(3);

“the Broadmoor Hospital Authority” means the special health authority of that name established by the 1996 Order;

“the special hospitals” means the Ashworth, Broadmoor and Rampton special hospitals(4).

(1) 1977 c. 49; section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53), Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); section 126(3) and (4) is amended by section 65(2) of the 1990 Act and section 126(3) is amended by paragraph 57 of Schedule 2 to the 1995 Act.

(2) S.I. 1996/488 which comes into force on 1st April 1996.

(3) S.I. 1989/948 which was amended by S.I. 1990/1905.

(4) See section 4 of the National Health Service Act 1977 (c. 49).

Revocation of Orders and abolition of old Authority

2. The Special Hospitals Service Authority (Establishment and Constitution) Order 1989 and the Special Hospitals Service Authority (Establishment and Constitution) Amendment Order 1990⁽⁵⁾ are hereby revoked and the old Authority is abolished.

Enforceability of rights and liabilities

3. Any right which was enforceable by or against the old Authority shall be enforceable—
- (a) where that right related solely to one of the special hospitals, by or against the special health authority established by the 1996 Order to manage that special hospital;
 - (b) where that right did not relate solely to one of the special hospitals, by or against the Broadmoor Hospital Authority.

Accounts of the old Authority

4. Any duty imposed on the old Authority by section 98 of the Act⁽⁶⁾ but not performed by the date on which this Order comes into force, shall be performed by the Broadmoor Hospital Authority in accordance with the provisions of that section and of any directions which may be given to it by the Secretary of State.

Signed by authority of the Secretary of State for Health

29th February 1996

John Bowis
Parliamentary Under Secretary of State,
Department of Health

⁽⁵⁾ S.I. 1990/1905.

⁽⁶⁾ There have been amendments to section 98 which are not relevant to this Order.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order revokes the Special Hospitals Service Authority (Establishment and Constitution) Order 1989 and abolishes the Special Hospitals Service Authority established under that Order. It makes supplemental provision relating to the winding up of the affairs of the old Authority and the transfer of rights and liabilities.