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STATUTORY INSTRUMENTS

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**1999 No. 695**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Information Authority  
(Establishment and Constitution) Order 1999**

<i>Made</i>	- - - -	<i>9th March 1999</i>
<i>Laid before Parliament</i>		<i>10th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

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

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the National Health Service Information Authority (Establishment and Constitution) Order 1999 and shall come into force on 1st April 1999.

(2) In this Order, “the Authority” means the National Health Service Information Authority established by this Order.

**Establishment of the National Health Service Information Authority**

2. There is hereby established a Special Health Authority which shall be known as the National Health Service Information 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), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); sub-paragraph (7) was inserted in paragraph 9 of Schedule 5 by paragraph 7(2) of Schedule 1 to the 1990 Act and was amended by paragraph 60(b) of Schedule 1 to the 1995 Act.

### **Functions of the Authority**

3. Subject to and in accordance with such directions as the Secretary of State may give<sup>(2)</sup>, the Authority shall perform such functions in connection with supporting the development and implementation of information and communication services in the health service as the Secretary of State may direct.

### **Constitution of the Authority**

4. The Authority shall consist of—
- (a) a chairman;
  - (b) four members who are not officers of the Authority; and
  - (c) not less than two, nor more than four, members who are officers of the Authority, and who shall include the persons who for the time being hold the offices of Chief Officer and Chief Finance Officer.

### **Remuneration of members**

5. 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 and certain Special Health Authorities).

### **Public Meeting**

6. The Public Bodies (Admission to Meetings) Act 1960<sup>(3)</sup> shall apply to the Authority.

### **Transfer of staff**

7.—(1) This paragraph applies in relation to any officer who, immediately before the coming into force of this Order, is employed by a body specified in the Schedule to this Order and attached to the Information Management Group of the Department of Health for the purpose of performing the Secretary of State’s functions in connection with supporting the development and implementation of information and communication services in the health service.

(2) Any officer in relation to whom paragraph (1) of this article applies shall, on the coming into force of this Order, be transferred to the employment of the Authority.

- (3) The contract of employment of an officer transferred under paragraph (2)—
- (a) is not terminated by the transfer, and
  - (b) has effect from the time of the transfer as if originally made between the officer and the Authority.
- (4) Without prejudice to paragraph (3)—
- (a) all the rights, powers, duties and liabilities of the body from which an officer is transferred under or in connection with his contract of employment shall by virtue of this paragraph be transferred to the Authority, and

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(2) See, in particular, sections 13, 17 and 18 of the National Health Service Act 1977 (c. 49); section 13 was amended by paragraph 33 of Schedule 1 to the Health Services Act 1980 (c. 53) (“the 1980 Act”), by Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 4 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); section 17 was substituted by paragraph 8 of Schedule 1 to the 1995 Act; section 18 was amended by paragraphs 38 and 92 of Schedule 1 to the 1980 Act, by article 7(2) of S.I. 1985/39, by Schedule 10 to the 1990 Act, by section 3(8) of the 1995 Act and by paragraph 9 of Schedule 1 to the 1995 Act.

(3) 1960 c. 67.

(b) anything done before the date of the transfer by or in relation to the body from which he is so transferred in respect of the officer or the contract of employment shall be deemed from that time to have been done by or in relation to the Authority.

(5) Paragraphs (2) to (4) do not transfer an officer's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if he informs the body from which they would be transferred, or the Authority, that he objects to the transfer.

(6) Where an officer objects as mentioned in sub-paragraph (5) his contract of employment with the body from which he would be transferred shall be terminated immediately before the date on which the transfer would occur, but he shall not be treated, for any purpose, as having been dismissed by that body.

(7) This article is without prejudice to any right of an officer to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only that, under this paragraph, the identity of his employer changes unless the officer shows that, in all the circumstances, the change is a significant change and is to his detriment.

Signed by authority of the Secretary of State for Health

9th March 1999

*Hayman*  
Parliamentary Under Secretary of State,  
Department of Health

*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 7

Transfer of staff: Bodies in respect of which article 7 applies

Brent Health Authority  
Cambridge and Huntingdon Health Authority  
East Surrey Health Authority  
Leeds Health Authority  
Leicestershire Health Authority  
Liverpool Health Authority  
Manchester Health Authority  
North and East Devon Health Authority  
North and Mid-Hampshire Health Authority  
South Staffordshire Health Authority  
Wiltshire Health Authority

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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 National Health Service Information Authority (“the Authority”), to exercise on behalf of the Secretary of State such functions in connection with supporting the development and implementation of information and communication services in the health service as he may direct it to perform.

Article 2 of the Order establishes the 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 also made for the constitution of the Authority (article 4), for the remuneration of members of the Authority who are not also its officers (article 5), for the admission of the public to meetings (article 6) and for the transfer of staff (article 7 and the Schedule).