
S T A T U T O R Y I N S T R U M E N T S

2000 No. 604

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Health Education Authority (Abolition) Order 2000

<i>Made</i> - - - - -	<i>9th March 2000</i>
<i>Laid before Parliament</i>	<i>10th March 2000</i>
<i>Coming into force</i> - -	<i>1st April 2000</i>

The Secretary of State for Health in exercise of the powers conferred upon him by sections 11 and 126(3) and (4) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement, interpretation and extent

1.—(1) This Order may be cited as the Health Education Authority (Abolition) Order 2000 and shall come into force on 1st April 2000.

(2) In this Order—

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

“the Agency” means the Health Development Agency established by the Health Development Agency (Establishment and Constitution) Order 1999(b);

“the Authority” means the Health Education Authority established by the Health Education Authority (Establishment and Constitution) Order 1987(c);

“designated officer” means an officer mentioned in the list marked “The Health Education Authority (Abolition) Order 2000 (Transfer of Officers to the Lambeth, Southwark and Lewisham Health Authority) List of Designated Officers” signed on behalf of the Secretary of State on 9th March 2000(d);

“the Property Rights and Liabilities Agreement” means the agreement relating to the transfer of property, rights and liabilities signed on behalf of the Secretary of State and the Lambeth, Southwark and Lewisham Health Authority and dated 9th March 2000(d).

(a) 1977 c. 49; section 11 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraph 31; by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), Schedule 10; by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), Schedule 1, paragraph 2 and by the Health Act 1999 (c. 8) (“the 1999 Act”) Schedule 4, paragraph 6; section 126(3) was amended by the 1990 Act, section 65(2) and by the 1995 Act, Schedule 1, paragraph 57; section 126(4) was amended by the 1990 Act, section 65(2) and by the 1999 Act, Schedule 4 paragraph 37(6).

(b) See S.I. 1999/3431.

(c) S.I. 1987/6.

(d) Copies of the List and Agreement can be obtained from Department of Health, Public Health Division, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

- (3) This Order extends to England and Wales(a).

Abolition of the Authority and revocation of Orders

2. The Authority is hereby abolished and the Health Education Authority (Establishment and Constitution) Order 1987 and the Health Education Authority (Establishment and Constitution) Amendment Order 1991(b) are hereby revoked.

Transfer of Staff

3.—(1) Subject to paragraph (2), any person who, immediately before the coming into force of this Order, was an officer of the Authority shall, on the coming into force of this Order, be transferred to the employment of the relevant new employer.

(2) This regulation shall not apply to an officer of the Authority whose contract of employment terminates on the day immediately preceding the coming into force of this Order.

(3) The contract of employment of an officer transferred under paragraph (1)—

(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 relevant new employer.

(4) Without prejudice to paragraph (3)—

(a) any right or liability of the Authority under or in connection with the officer's contract of employment shall by virtue of this paragraph be transferred to the relevant new employer;

(b) anything done before the date of the transfer by or in relation to the Authority in respect of the officer or the contract of employment shall be deemed from that time to have done by or in relation to the relevant new employer.

(5) Paragraphs (1), (3) and (4) do not transfer an officer's contract of employment, or any right or liability under or in connection with it, if he informs the Authority or the relevant new employer that he objects to the transfer.

(6) Where an officer objects as mentioned in sub-paragraph (5) his contract of employment with the Authority shall be treated as having been 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 the Authority.

(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 the identify of his employer changes unless the officer shows, that, in all the circumstances, the change is a significant change and is to his detriment.

(8) For the purposes of this article, the relevant new employer is—

(a) in the case of a designated officer, the Lambeth, Southwark and Lewisham Health Authority;

(b) in any other case, the Agency.

Transfer of property, rights and liabilities

4.—(1) Subject to paragraph (2), the property rights and liabilities of the Authority specified in the Property Rights and Liabilities Agreement shall be transferred to the Lambeth, Southwark and Lewisham Health Authority.

(2) Any copyright or other intellectual property of the Authority and any right or liability relating to it shall be transferred to the Secretary of State on behalf of the Crown.

(3) Any other property right or liability of the Authority shall be transferred to the Agency.

(a) The powers under which this Order is made are by their nature exercisable concurrently with the Secretary of State by virtue of article 2(c) of the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672.
(b) S.I. 1991/226.

Winding-up of affairs of the Authority

5. It shall be the duty of the Agency to take such action as may be necessary for the winding-up of the affairs of the Authority, including the preparation of the outstanding accounts of the Authority and the performance of all statutory duties relating to those accounts.

Signed by authority of the Secretary of State for Health

9th March 2000

Yvette Cooper
Parliamentary Under-Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes, on 1st April 2000, the Health Education Authority (“the Authority”), a Special Health Authority established under section 11 of the National Health Service Act 1977 by the Health Education Authority (Establishment and Constitution) Order 1987.

The Order also makes provisions for the transfer of officers, property, rights and liabilities of the Authority and for the winding-up of its affairs.

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