

**2002 No. 559**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The Ashworth Hospital Authority (Abolition) Order 2002**

|                               |                        |
|-------------------------------|------------------------|
| <i>Made</i> - - - -           | <i>10th March 2002</i> |
| <i>Laid before Parliament</i> | <i>11th March 2002</i> |
| <i>Coming into force</i>      | <i>1st April 2002</i>  |

The Secretary of State for Health in exercise of the powers conferred upon him by sections 11 and 126(4) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, having consulted bodies representing officers of the Ashworth Hospital Authority as required by section 11(5) of that Act, hereby makes the following Order:

**Citation, commencement, interpretation and extent**

1.—(1) This order may be cited as the Ashworth Hospital Authority (Abolition) Order 2002 and shall come into force on 1st April 2002.

(2) In this Order—

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

“the Authority” means the Ashworth Hospital Authority established by the Authorities for the Ashworth, Broadmoor and Rampton Hospitals (Establishment and Constitution) Order 1996(b);

“the Trust” means the Mersey Care National Health Service Trust(c).

(3) This Order extends to England and Wales(d).

**Abolition of the Authority and revocation of Order and Regulations**

2.—(1) The Authority is hereby abolished.

(2) The Authorities for the Ashworth, Broadmoor and Rampton (Establishment and Constitution) Order 1996 is revoked.

(3) The Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations 1996(e) are revoked.

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(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. 1996/488.

(c) Established by S.I. 2001/1888.

(d) The powers under which this Order are 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.

(e) S.I. 1996/489.

### **Transfer of Staff**

3.—(1) Subject to paragraphs (2) and (5), 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 Trust.

(2) This article 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 Trust.

(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 Trust;
- (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 been done by or in relation to the Trust.

(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 is not transferred under this article, if he has informed the Authority or the Trust that he objects to the transfer.

(6) Where an officer objects as mentioned in 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 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.

### **Transfer of property, rights and liabilities**

4. The property, rights and liabilities of the Authority shall be transferred to the Trust.

### **Winding-Up of affairs of the Authority**

5. It shall be the duty of the Trust 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

10th March 2002

*Jacqui Smith*  
Minister of State,  
Department of Health

## **EXPLANATORY NOTE**

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

This Order abolishes, on 1st April 2002, the Ashworth Hospital Authority (“the Authority”), a Special Health Authority established under section 11 of the National Health Service Act 1977 by the Authorities for the Ashworth, Broadmoor and Rampton Hospital Authorities (Establishment and Constitution) Order 1996 and as a consequence revokes that order and the associated Ashworth, Broadmoor and Rampton Hospital Authorities (Functions and Membership) Regulations 1996 (article 2).

The Order also makes provision for the transfer of officers, property, rights and liabilities of the Authority and for the winding up of its affairs (articles 3–5).

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