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WELSH STATUTORY INSTRUMENTS

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**2003 No. 814 (W.99)**

**NATIONAL HEALTH SERVICE, WALES**

**The Health Authorities (Transfer of Functions,  
Staff, Property, Rights and Liabilities and  
Abolition) (Wales) (Amendment) Order 2003**

*Made - - - - 20th March 2003*

*Coming into force in accordance with article 1(1)*

The National Assembly for Wales in exercise of the powers conferred by sections 27(9) and 154(1) of the Government of Wales Act 1998(1) makes the following Order:

**Title, commencement, interpretation and application**

1.—(1) This Order may be cited as the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) (Amendment) Order 2003 and shall come into force on 1st April 2003 immediately after the coming into force of the principal Order.

(2) In this Order “the principal Order” (“*y prif Orchymyn*”) means the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003(2).

(3) This Order applies to Wales only.

**Amendment of the principal Order**

2.—(1) The principal Order is amended in accordance with the following paragraphs of this article.

(2) In article 2 (interpretation) insert the following definition at the appropriate place:

““transferring employee” (*cyflogai sy'n trosglwyddo*) means a person

- (a) whose contract of employment with a county council or county borough council in Wales or a police authority for a police area in Wales has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise);
- (b) whose work under that contract involved the performance of functions of a Welsh health authority before the transfer date; and

(c) who has been offered and has accepted before the transfer date employment with the National Assembly for Wales.”.

(3) After article 4 (transfer of relevant employees to the National Assembly for Wales), add the following article —

**“Continuity of employment of transferring employees**

**4A.** Where a transferring employee commences employment with the National Assembly for Wales on the transfer date the period of employment with his or her employer immediately before the transfer date shall —

- (a) count as a period of employment with the National Assembly for Wales, and
- (b) be treated as continuous employment with the National Assembly for Wales for the purposes of section 218(3) of the Employment Rights Act 1996.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3).

20th March 2003

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

## **EXPLANATORY NOTE**

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

This Order amends the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 and provides for the continuity of employment of certain employees of local authorities and police authorities in Wales who were performing health authority functions before 1st April 2003 and accepted employment with the National Assembly for Wales on the abolition of the health authority.