



National Health Service Reorganisation Act 1973

1973 CHAPTER 32

PART II

ABOLITION OF CERTAIN AUTHORITIES AND TRANSFER OF PROPERTY, STAFF AND ENDOWMENTS ETC.

Abolition of certain authorities

14 Abolition of authorities

- (1) All Regional Hospital Boards, Hospital Management Committees and Executive Councils, the Joint Pricing Committee for England, the Welsh Joint Pricing Committee and, except as provided by the following section, all Boards of Governors shall cease to exist on the appointed day; and on that day any authority which is a local health authority by virtue of section 19 of the principal Act shall cease to be a local health authority and all joint boards constituted in pursuance of that section shall cease to exist.
- (2) The Secretary of State may by order make such provision as he considers appropriate in anticipation or in consequence of the abolition by the preceding subsection of any body or in connection with the winding up of the body's affairs; and if a body abolished by that subsection has, as respects a period before the appointed day, not performed a duty imposed on the body by subsection (2) or (3) of section 55 of the principal Act (which relate to accounts), then—
 - (a) it shall be the duty of the Secretary of State to secure that the duty so imposed is performed by a Regional or Area Health Authority or special health authority determined by him ; and
 - (b) that section shall have effect in relation to the body and period in question as if for references to each financial year in subsections (3) and (4) there were substituted references to that period and as if the word " annual " in subsection (3) were omitted.

15 Preservation of certain Boards of Governors

(1) The Secretary of State may by order provide that the preceding section shall, while the order is in force, not apply to any body specified in the order which is the Board of Governors of a teaching hospital mentioned in Schedule 2 to this Act.

(2) An order made by virtue of the preceding subsection—

- (a) must be made before the appointed day except in a case falling within paragraph (c) of this subsection;
- (b) shall provide for the order to cease to have effect, unless it is previously revoked, on the expiration of a period specified in the order (which shall not be longer than five years beginning with the date on which the order is made);
- (c) may be made after the appointed day in respect of a preserved Board for the purpose of securing that the Board continues to be a preserved Board for a further period; and
- (d) may at any time be revoked by order by the Secretary of State;

and it shall be the duty of the Secretary of State, before he makes an order in pursuance of the preceding subsection or paragraph (d) of this subsection, to consult the University of London and the Board of Governors in question about the order.

(3) The Secretary of State may by order provide that, in relation to a preserved Board and any person, thing, right, liability or other matter whatsoever connected with the Board.—

- (a) any provision of this Act which repeals or amends any enactment and is specified in the order shall not apply;
- (b) any enactment which, apart from any provision made by virtue of the preceding paragraph, is repealed or amended by this Act shall have effect with such modifications as are specified in the order; and
- (c) such provisions of this Act and any instrument in force by virtue of this Act as are specified in the order shall have effect with such modifications as are so specified ;

but nothing in this Act, and in particular nothing in any provision of this Act amending section 55 of the principal Act (which relates to accounts), shall affect the application of that section to a preserved Board.

(4) The Secretary of State may by order—

- (a) provide that a preserved Board shall cease to exercise functions with respect to the administration of any hospital specified in the order ;
- (b) confer on a preserved Board such functions as are specified in the order with respect to the administration of a hospital so specified (whether or not apart from the order the Board has functions with respect to the administration of that hospital); and
- (c) provide that this Act and any instrument in force by virtue of this Act shall, in relation to any person, thing, right, liability or other matter whatsoever connected with the hospital in question, have effect with such modifications as are specified in the order.

(5) Where a Board of Governors ceases to be a preserved Board this Act and any instrument in force by virtue of this Act shall, in relation to the Board and any person, thing, right, liability and other matter whatsoever connected with the Board, have effect with the substitution of a reference to the date of the cesser for the first reference in subsection (1) of the preceding section and the reference in subsection (2) of that

section to the appointed day and with such further modifications as the Secretary of State may by order specify.

- (6) In this Act "preserved Board" means a Board of Governors to which by virtue of this section the preceding section does not for the time being apply; and any question whether a person, thing, right, liability or other matter whatsoever is for the purposes of this section connected with a Board of Governors or a hospital shall be determined by the Secretary of State.

Transfer of property etc.

16 Transfers from local authorities

- (1) Subject to subsection (4) of this section, on the appointed day there shall by virtue of this subsection be transferred to and vest in the Secretary of State—
- (a) all property which immediately before that day—
 - (i) was held by a local authority solely for the purposes of one or more of its health functions, or
 - (ii) was held by a local authority otherwise than as mentioned in the preceding sub-paragraph and was used by the authority wholly or mainly for the purposes there mentioned ; and
 - (b) all rights and liabilities which were acquired or incurred by a local authority wholly or mainly in the performance of its health functions and to which the authority was entitled or subject immediately before the appointed day.
- (2) The Secretary of State may by order—
- (a) make provision for securing that where any property has, at any time during the period beginning with 16th November 1972 and ending immediately before the appointed day—
 - (i) been held by a local authority as mentioned in paragraph (a)(i) of the preceding subsection, or
 - (ii) been held and used by a local authority as mentioned in paragraph (a) (ii) of that subsection,but in consequence of anything done otherwise than in the ordinary course of business is not so held or, as the case may be, held and used by the authority immediately before the appointed day, the property is treated for the purposes of the preceding subsection as so held or held and used by the authority immediately before the appointed day ;
 - (b) make provision as to the manner of determining, and as to the matters which are to be taken into account or disregarded for the purpose of determining, whether immediately before the appointed day any property was held or held and used as mentioned in the preceding subsection or any local authority was entitled or subject to rights or liabilities acquired or incurred as there mentioned;
 - (c) make provision for securing that where any premises transferred to the Secretary of State by virtue of this section contain accommodation which was used immediately before the appointed day for the purposes of functions of a local authority other than health functions, the accommodation may continue to be used by the authority for those purposes on such terms and for such period as may be agreed between the Secretary of State and the authority or, in default of agreement, as may be determined in a manner specified in the order;

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- (d) make provision for securing that where any premises not transferred to the Secretary of State by virtue of this section contain accommodation which was used immediately before the appointed day for the purposes of health functions of a local authority, the accommodation may be used by the Secretary of State for similar purposes on such terms and for such period as aforesaid;
 - (e) provide that such as may be specified in the order of the rights and liabilities transferred to the Secretary of State by virtue of this section shall be enforceable by and against a Regional or Area Health Authority or special health authority so specified instead of by and against the Secretary of State ;
 - (f) make provision as to the persons on whom shall lie the burden of proving, for the purposes of provision made by virtue of paragraph (a) of this subsection, that a particular thing was done in the ordinary course of business.
- (3) The preceding provisions of this section shall have effect in relation to a local education authority as if for any reference to a local authority and health functions there were substituted respectively a reference to a local education authority and functions under the following enactments (which relate to medical and dental inspection and treatment) namely, section 48(1) and (3) of the Education Act 1944, section 78 of that Act so far as that section relates to such inspection and treatment and section 4 of the Education (Miscellaneous Provisions) Act 1953.
- (4) The Secretary of State may at any time before the appointed day provide by order that property, rights or liabilities specified in the order shall not be transferred to him by virtue of this section; and nothing in subsections (1) to (3) of this section applies to property, rights or liabilities to which section 25 of this Act applies.
- (5) Where any property transferred from a local authority or a local education authority to the Secretary of State by virtue of this section consists of uncompleted buildings which were being constructed by the authority, the authority may complete the buildings on such terms as it may agree with the Secretary of State.
- (6) In this section—
- " health functions " means—
 - (a) functions under Part III and section 65 of the principal Act and sections 10 to 12 of the Health Services and Public Health Act 1968 so far as those functions do not stand referred to social services committees by virtue of section 2 of the Local Authority Social Services Act 1970;
 - (b) functions under the National Health Service (Family Planning) Act 1967 and the National Health Service (Family Planning) Amendment Act 1972;
 - (c) functions under section 196 of the Public Health Act 1936 so far as those functions relate to the diagnosis and treatment of diseases ; and
 - (d) functions under the enactments mentioned in section 41(1) of this Act; and
 - " local authority " means—
 - (a) except in relation to functions mentioned in paragraph (d) above and functions of the Greater London Council, any authority which immediately before the passing of this Act was a local health authority;
 - (b) in relation to functions mentioned in paragraph (d) above, a local authority within the meaning of section 41 of this Act;
 - (c) in relation to functions of the Greater London Council, that Council,

and in relation to functions mentioned in paragraph (c) of the preceding definition includes any authority, in addition to an authority or body mentioned in paragraph (a) of this definition, on which functions are conferred by the said section 196.

17 Transfers from Executive Councils and pricing committees

- (1) All property, rights and liabilities which immediately before the appointed day were property, rights and liabilities of an Executive Council or either of the pricing committees mentioned in section 14(1) of this Act shall by virtue of this subsection be transferred to and vest in the Secretary of State on that day; and the Secretary of State may by order provide for such of those rights and liabilities as are specified in the order to be enforceable by and against an Area Health Authority or special health authority or Family Practitioner Committee so specified instead of by and against the Secretary of State.
- (2) The Secretary of State may by order make such provision as he considers is appropriate in anticipation or in consequence of any transfer which is to be or has been made by virtue of the preceding subsection.

Transfer of staff

18 Transfers to employment by new authorities and social service authorities

- (1) The Secretary of State may by order make provision—
 - (a) for the transfer on the appointed day to the employment of new health authorities designated by or under the order of persons so designated who immediately before that day were—
 - (i) employed by old health authorities so designated, or
 - (ii) employed by local health authorities or by the Greater London Council and so employed wholly or mainly for the purposes of functions mentioned in paragraphs (a) and (b) of the definition of health functions in section 16(6) of this Act, or
 - (iii) employed by local education authorities wholly or mainly for the purposes of functions under the enactments mentioned in section 16(3) of this Act, or
 - (iv) employed as relevant staff or speech therapists by local education authorities wholly or mainly for the purposes of providing special educational treatment in pursuance of section 34 of the Education Act 1944 and ascertaining whether children require such treatment, or
 - (v) employed by local authorities within the meaning of section 41 of this Act wholly or mainly for the purposes of functions under the enactments mentioned in subsection (1) of that section;
 - (b) for requiring any such authority, body or Council as is mentioned in subparagraphs (i) to (v) of the preceding paragraph and is designated by or under the order to make, after consulting new health authorities so designated if the order requires them to be consulted, schemes for the transfer on the appointed day to the employment of new health authorities designated by or under the schemes of persons designated by or under the schemes who were employed as mentioned in the preceding paragraph ;

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- (c) for any scheme made in pursuance of the preceding paragraph to be varied or revoked, at any time before the appointed day, by a subsequent scheme so made;
 - (d) for requiring an authority or other person by whom a scheme is made in pursuance of this subsection to submit the scheme or provisions of it to the Secretary of State for his approval, and for requiring the authority or other person to make, before the appointed day, such changes in the scheme as the Secretary of State may direct.
- (2) The Secretary of State may by order make provision—
- (a) for the transfer on the appointed day to the employment of new health authorities of persons to whom this subsection applies;
 - (b) for requiring public health authorities designated by or under the order to make schemes for the transfer on the appointed day, to the employment of new health authorities designated by or under the schemes, of persons to whom this subsection applies ;
 - (c) as to the manner of determining whether an individual is a person to whom this subsection applies and which authority is the new health authority to whose employment such a person is to be transferred;
 - (d) for determining, in the case of a person who apart from provision made by virtue of this paragraph falls to be transferred to the same employment or different employments by virtue of this subsection and any other provision of this Act, which of the provisions in question are not to apply in his case ;
- and it shall be the duty of the Secretary of State, before he makes an order in pursuance of this subsection, to consult with respect to the order such bodies as appear to him to represent public health authorities and to be concerned with the order and any other body which he considers it desirable to consult about the order.
- (3) The persons to whom the preceding subsection applies are—
- (a) relevant staff employed immediately before the appointed day—
 - (i) by public health authorities wholly or mainly for the purposes of any functions of such authorities under sections 143, 147, 153 and 166 to 170 of the Public Health Act 1936, sections 40 and 41 of the Public Health Act 1961 and sections 49 to 52 of the Health Services and Public Health Act 1968 (which relate to the control of infectious disease and food poisoning) and Part IX of the Public Health Act 1936 (which relates to common lodging houses), or
 - (ii) by public health authorities, in their capacities as food and drugs authorities within the meaning of the Food and Drugs Act 1955, wholly or mainly for the purposes of any functions of food and drugs authorities under that Act; and
 - (b) persons employed immediately before the appointed day wholly or mainly in premises provided in pursuance of section 196 of the Public Health Act 1936 (which relates to laboratories) and transferred to the Secretary of State by section 16 of this Act.
- (4) The Secretary of State may by order make provision for the transfer—
- (a) to the employment of bodies who are local authorities for the purposes of the Local Authority Social Services Act 1970 of persons of descriptions specified in the order who are for the time being employed by old health authorities or new health authorities wholly or mainly for the purposes of functions which stand referred to social services committees by virtue of section 2 of that Act;

- (b) to the employment of new health authorities of relevant staff and speech therapists who are for the time being employed wholly or mainly for the purposes mentioned in the preceding paragraph by bodies who are such local authorities as are there mentioned;
- and an order made by virtue of this subsection may include provision—
- (i) for transfers in pursuance of the order to be made on such days as may be determined by or under the order; and
- (ii) as to the manner of determining whether an individual is a person liable to be transferred by virtue of this subsection and which authority is the authority to whose employment such a person is to be transferred.
- (5) A person transferred by virtue of paragraph (a) of the preceding subsection to the employment of such a body as is mentioned in that paragraph shall not be required in the course of that employment to perform duties otherwise than at or in connection with a hospital unless he has consented to perform such duties.
- (6) The Secretary of State may by order make provision for the transfer to the employment of any new health authorities, with effect from such dates (whether before or after the making of the order) as may be specified in the order, of persons who—
- (a) were employed by an old health authority, or by another authority in its capacity as a local health authority, immediately before the date when the authority ceased to exist or to be a local health authority; and
- (b) are not on that date transferred to the employment of a new health authority by virtue of any provision of subsections (1) to (4) of this section.
- (7) In this section—
- " new health authority " means any Regional or Area Health Authority and any special health authority;
- " old health authority " means any Regional Hospital Board, Board of Governors or Executive Council and any pricing committee mentioned in section 14(1) of this Act;
- " public health authority " means the council of a county, borough (including a London borough), urban district and rural district, the Common Council of the City of London and a port health authority constituted in pursuance of section 2 of the Public Health Act 1936 ; and
- " relevant staff " means persons of any of the following categories, namely, medical practitioners, persons registered or enrolled within the meaning of the Nurses Act 1957 and persons registered by a board in respect of a profession in pursuance of the Professions Supplementary to Medicine Act 1960.

19 Provisions supplementary to s. 18

- (1) Without prejudice to the duty imposed on the Secretary of State by subsection (2) of the preceding section, it shall be the duty of the Secretary of State, before he makes an order in pursuance of that section or the following subsection, to consult with respect to the order such bodies as he may recognise as representing persons who in his opinion are likely to be transferred or affected by transfers in pursuance of the order.
- (2) It shall be the duty of the Secretary of State by order to make provision for securing, in the case of a person transferred to the employment of any body by virtue of the preceding section.—

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- (a) that, while he is in the employment of that body and has not been served with a notice in writing stating that it is served for the purposes of this subsection and specifying such new terms and conditions of employment as are mentioned in the following paragraph, the scale of his remuneration and, taken as a whole, the other terms and conditions of his employment by that body are not less favourable to him than were immediately before the transfer those of the employment from which the transfer was made;
- (b) that any new terms and conditions determined by that body for his employment by that body are such that—
 - (i) so long as he is engaged in duties reasonably comparable to the duties in which immediately before the transfer he was engaged in the employment from which the transfer was made, the scale of his remuneration and, taken as a whole, the other terms and conditions of his employment by that body are not less favourable to him than were, immediately before the transfer, those of the employment from which the transfer was made, and
 - (ii) so long as he is engaged in duties not so comparable, the terms and conditions of his employment by that body (excluding terms as to remuneration) are, taken as a whole, not less favourable than as mentioned in the preceding sub-paragraph ;
- (c) that for the purposes of any enactment specified in the order the employments from which and to which he was transferred by virtue of the preceding section are treated as one continuous employment;

and an order made in pursuance of this subsection may contain provision for the determination of questions arising with respect to the effect in relation to any person of provision made by virtue of paragraphs (a) to (c) of this subsection.

- (3) An order or scheme made by virtue of any provision of the preceding section except subsection (4)(a) may include provision for securing that, in determining whether a person was at a particular time employed by an authority wholly or mainly for the purposes of functions of the authority of a particular kind mentioned in that section, any functions of that authority which are of a different kind so mentioned and for the purposes of which the person was at that time also employed by the authority may be treated as functions of the particular kind in question; and it is hereby declared that, in determining in pursuance of the preceding section whether a person was at any time employed by an authority wholly or mainly for the purposes of functions of the authority, any employment of his at that time which was not employment by the authority is to be disregarded.
- (4) An order made by virtue of the preceding section may include provision—
 - (a) for the determination of any question arising in connection with the order as to whether a person is or was employed in a particular capacity or wholly or mainly for particular purposes ;
 - (b) for enabling any person who objects, on such grounds as may be specified in the order, to his transfer in pursuance of the order or a scheme made by virtue of the order to make in respect of the transfer representations to whichever of the two Commissions appointed in pursuance of the following section is appropriate in his case, and for requiring the Commission to advise the person who made the order or scheme or, if that person has ceased to exist, to advise the Secretary of State on whether it would be appropriate in consequence of the representations to amend the order or scheme before the day when transfers take effect in pursuance of it or to transfer a person on or after that

day from the employment to which he is transferred in pursuance of the order or scheme;

- (c) for the transfer of a person in consequence of such representations—
- (i) from the employment of a new health authority to the employment of a different new health authority or, except where the person in question was transferred in pursuance of the order or scheme from the employment of an old health authority, to the employment of an authority established by or under the Local Government Act 1972 or a London authority, or
 - (ii) from the employment of a body to which the person in question was transferred by virtue of paragraph (a) of subsection (4) of the preceding section to the employment of a different body which is such a local authority as is mentioned in that paragraph;

and in this subsection " old health authority " and " new health authority " have the same meanings as in the preceding section and " London authority " means the Greater London Council, a London borough council and the Common Council of the City of London.

20 Health Service Staff Commissions

- (1) It shall be the duty of the Secretary of State to appoint, within one month beginning with the date of the passing of this Act, two Commissions to be called the National Health Service Staff Commission and the Welsh National Health Service Staff Commission; and the Commissions—
- (a) shall consist respectively of such persons as the Secretary of State may from time to time appoint as members of the Commission after consulting any bodies appearing to him to represent persons employed in England or, as the case may be, employed in Wales who are liable to transfer in pursuance of section 18 of this Act and any other bodies appearing to him to be concerned with transfers of such persons in pursuance of that section; and
 - (b) shall in the case of the National Health Service Staff Commission exercise its functions in relation to England and in the case of the other Commission exercise its functions in relation to Wales.
- (2) It shall be the duty of each Commission—
- (a) to keep under review the arrangements made by relevant bodies for recruiting and engaging employees and the arrangements made for transfers in pursuance of section 18 of this Act and to give advice to the Secretary of State and the relevant bodies with respect to the arrangements ;
 - (b) to consider and advise the Secretary of State on any matter which he refers to the Commission as being a matter which in his opinion arises in connection with persons liable to transfer in pursuance of section 18 of this Act;
 - (c) to consider and advise the Secretary of State on the steps required to safeguard the interests of persons liable as aforesaid ; and
 - (d) to arrange for the consideration of representations made to the Commission in pursuance of provision made by virtue of paragraph (b) of subsection (4) of the preceding section and for the giving of advice in pursuance of provision so made ;

and each Commission shall have power to take any steps which it considers are appropriate for the purpose of selecting and recommending to Regional or Area Health

Authorities and special health authorities persons whom it considers are suitable for employment by any of those authorities.

- (3) The Secretary of State may—
- (a) give directions to each Commission with respect to its procedure;
 - (b) give directions to relevant bodies with respect to the furnishing by them of information requested by the appropriate Commission and with respect to the action to be taken by them in consequence of advice given by that Commission;
 - (c) pay to any member of either Commission such remuneration as the Secretary of State may determine with the approval of the Minister for the Civil Service ;
 - (d) defray any expenses incurred with his approval by either Commission in the performance of its functions ; and
 - (e) wind up either Commission in such manner and at such time as he thinks fit;
- and it shall be the duty of a body to which directions are given in pursuance of this subsection to comply with the directions.
- (4) In this section " relevant bodies " means bodies from and to whose employment persons are liable to be transferred by virtue of section 18 of this Act.

Hospital endowments etc.

21 Power of Health Authorities to accept gifts

A Health Authority shall have power to accept, hold and administer any property on trust for all or any purposes relating to the health service.

22 Private trusts for hospitals: payments to Health Authorities

- (1) Where the terms of a trust instrument authorise or require the trustees, whether immediately or in the future, to apply any part of the capital or income of the trust property for the purposes of any hospital vested in the Secretary of State, the trust instrument shall be construed as authorising or, as the case may be, requiring the trustees to apply the trust property to the like extent, and at the like times, for the purpose of making payments, whether of capital or income, to the appropriate hospital authority.
- (2) Any sum so paid to the appropriate hospital authority shall, so far as practicable, be applied by them for the purpose specified in the trust instrument.
- (3) In this section " the appropriate hospital authority " means—
 - (a) where Special Trustees are appointed for the hospital, those trustees,
 - (b) in any other case, the Area Health Authority exercising functions on behalf of the Secretary of State in respect of the hospital.
- (4) Nothing in this section shall apply—
 - (a) to a trust for a special hospital; or
 - (b) to property transferred under section 24 of this Act.

23 Winding-up of Hospital Endowments Fund

- (1) The Hospital Endowments Fund shall be wound up by the Secretary of State, and the winding up shall be completed by 31st March 1974 or as soon after as is practicable.
- (2) The Secretary of State shall by order provide for the distribution of the assets of the Hospital Endowments Fund among the following authorities and bodies, that is—
- Regional Health Authorities,
Area Health Authorities, and
Special Trustees,
- or among such of those authorities or trustees as are specified in the order, in such proportions or up to such amounts as may be so specified.

24 Transfer of" trust property from abolished authorities

- (1) Subject to the following subsection, property held immediately before the appointed day on trust by a body specified in column 1 of the Table below (excluding a preserved Board) shall on the appointed day be transferred to and vest in the person specified in the relevant entry in column 2 of that Table.

TABLE

1.	2.
<i>Existing trustees</i>	<i>New trustees</i>
A regional hospital board in England.	Such one or more of the Regional Health Authorities as may be specified by an order made by the Secretary of State.
The Welsh Hospital Board	Such one or more Area Health Authorities or special health authorities in Wales as may be specified by an order made by the Secretary of State.
A Hospital Management Committee (other than a University Hospital Management Committee) holding any property on trust for one or more hospitals.	The Area Health Authority or Authorities responsible for the administration of the hospitals.
A University Hospital Management Committee.	The Special Trustees appointed for the university hospital.
A Board of Governors	The Special Trustees appointed for the teaching hospital

- (2) If after the passing of this Act and before 31st October 1973 a University Hospital Management Committee or Board of Governors requests the Secretary of State in writing to secure that property held immediately before the appointed day by the Committee or Board is not transferred to and vested in Special Trustees by virtue of the preceding subsection, he may by an order made before the appointed day provide that the property shall be treated for the purposes of that subsection as if it were held

immediately before that day by a Hospital Management Committee which is not a University Hospital Management Committee.

- (3) Where the Secretary of State has arranged before the appointed day for an Area Health Authority (Teaching) established before that day—
- (a) to become responsible for the administration of a hospital or group of hospitals controlled and managed by a Hospital Management Committee which is not a University Hospital Management Committee; and
 - (b) not to become responsible on that day for the administration of any hospital which immediately before that day was controlled and managed by a University Hospital Management Committee or a Board of Governors,

he may by an order made before that day specify the hospital or group in question and provide that for the purposes of subsection (1) of this section and section 29(1) of this Act the Hospital Management Committee shall be deemed to be a University Hospital Management Committee and the hospital or group shall be deemed to be designated as a university hospital.

25 Transfer of trust property held for health services by local health authorities

- (1) Any property held immediately before the appointed day by a local health authority on trust for purposes which are wholly or mainly the same as those of any part of the health service shall on the appointed day be transferred to and vest in such one or more Health Authorities as may be specified by an order made by the Secretary of State.
- (2) Any property held immediately before the appointed day by the Greater London Council on trust for the purpose of its functions under section 27 of the principal Act (ambulance services) shall on the appointed day be transferred to and vest in such Health Authority as may be specified by an order made by the Secretary of State.
- (3) The Secretary of State may by order provide for determining whether immediately before the appointed day any property was held as mentioned in the preceding provisions of this section.
- (4) Nothing in section 210 of the Local Government Act 1972 (charities) shall apply to property to be transferred under this section.

26 Power to make further transfers of trust property

- (1) The Secretary of State may, having regard to any change or proposed change in the arrangements for the administration of a hospital or in the area or functions of any Health Authority, by order provide for the transfer of any trust property from any Health Authority or Special Trustees to any other Health Authority or Special Trustees.
- (2) If it appears to the Secretary of State at any time that all the functions of any Special Trustees should be discharged by one or more Health Authorities then, whether or not there has been any such change as is mentioned in the preceding subsection, he may by order provide for the transfer of all trust property from the Special Trustees to the Health Authority or, in such proportions as he may specify in the order, to those Health Authorities.
- (3) Before acting under this section the Secretary of State shall consult the Health Authorities and Special Trustees concerned.

27 Application of trust property previously held for general hospital purposes

- (1) This section applies—
- (a) to property which is transferred under section 23 of this Act; and
 - (b) to property which is transferred under section 24 of this Act and which immediately before the appointed day was, in accordance with any provision contained in or made under section 7 of the principal Act, applicable for purposes relating to hospital services or relating to some form of research,
- and this section shall continue to apply to the property after any further transfer under the preceding section.
- (2) The person holding the property after the transfer or last transfer shall secure, so far as is reasonably practicable, that the objects of any original endowment and the observance of any conditions attached thereto, including in particular conditions intended to preserve the memory of any person or class of persons, are not prejudiced by the provisions of this Part of this Act.
- In this subsection " original endowment" means a hospital endowment which was transferred under section 7 of the principal Act and from which the property in question is derived.
- (3) Subject to the preceding subsection, the property shall be held on trust for such purposes relating to hospital services (including research), or to any other part of the health service associated with any hospital, as the person holding the property thinks fit.
- (4) Where the person holding the property is a body of Special Trustees, the power conferred by the preceding subsection shall be exercised as respects the hospitals for which they are appointed.

28 Application of trust property: further provisions

- (1) Any discretion given by a trust instrument to the trustees of property transferred under section 24, 25 or 26 of this Act shall be exercisable by the person to whom the property is so transferred and, subject to the preceding section and subject to the following provisions of this section, the transfer shall not affect the trusts on which the property is held.
- (2) Where property is transferred under section 24 of this Act and any discretion is given by a trust instrument to the trustees to apply the property, or income arising from the property, to such hospital services (including research) as the trustees think fit without any restriction on the kinds of hospital services and without any restriction to one or more specified hospitals, the discretion shall be enlarged so as to allow the application of the property, or as the case may be of the income arising from the property, to such extent as the trustees think fit, for any other part of the health service associated with any hospital.
- (3) The preceding subsection shall apply on any subsequent transfer of the property under section 26 of this Act.

29 Special Trustees for a university or teaching hospital

- (1) The Secretary of State shall appoint bodies of trustees (in this Act referred to as Special Trustees) for the hospital or hospitals which, immediately before the appointed day,

Status: This is the original version (as it was originally enacted).

were controlled and managed by any University Hospital Management Committee or Board of Governors (excluding any body on whose request an order was made in pursuance of section 24(2) of this Act and any preserved Board), and those trustees shall hold and administer the property transferred to them under this Act.

- (2) Special Trustees shall have power to accept, hold and administer any property on trust for all or any purposes relating to hospital services (including research), or to any other part of the health service associated with hospitals, being a trust which is wholly or mainly for hospitals for which the Special Trustees are appointed.
- (3) The number of trustees for any hospital or hospitals shall be such as the Secretary of State may from time to time determine after consultation with such bodies and persons as he considers appropriate.
- (4) The term of office of any Special Trustee shall be fixed by the Secretary of State, but a Special Trustee may be removed by the Secretary of State at any time during his term of office.

30 Endowments: supplementary provisions

- (1) Where by section 24, 25 or 26 of this Act, or by an order under any of those sections, property is transferred to two or more authorities, it shall be apportioned by them in such proportions as they may agree or as may in default of agreement be determined by the Secretary of State:

Provided that where the property is transferred pursuant to an order, the order may provide for the way in which the property is to be apportioned.

- (2) Where property is so apportioned, the Secretary of State may by order make any consequential amendments of the trust instrument relating to the property.
- (3) In sections 21 to 29 of this Act, unless the context otherwise requires—
 - " Health Authority " means a Regional or Area Health Authority or a special health authority; and
 - " University Hospital Management Committee " means a Hospital Management Committee of a hospital or group of hospitals designated as a university hospital under section 5(1) of the Health Services and Public Health Act 1968.
- (4) Any provision in the said sections for the transfer of any property includes provision for the transfer of any rights and liabilities arising from that property.
- (5) Nothing in the said sections shall affect any power of Her Majesty, the court (as defined in the Charities Act 1960) or any other person to alter the trusts of any charity.