
 STATUTORY INSTRUMENTS

1982 No. 295

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**
**The Health Service Commissioner for England
(Transitional Provisions) Regulations 1982**

<i>Made</i> - - - - -	<i>4th March 1982</i>
<i>Laid before Parliament</i>	<i>11th March 1982</i>
<i>Coming into Operation</i>	<i>1st April 1982</i>

The Secretary of State for Social Services, in exercise of powers conferred on him by section 129 of, and paragraph 17(1) of Schedule 14 to, the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, hereby makes the following regulations:—

Citation and commencement

1. These regulations may be cited as the Health Service Commissioner for England (Transitional Provisions) Regulations 1982 and shall come into operation on 1st April 1982.

Interpretation

2.—(1) In these regulations “the Act” means the National Health Service Act 1977, “the Commissioner” means the Health Service Commissioner for England and “relevant body” means a Board of Governors of a teaching hospital which is treated as if it were a relevant body for the purposes of Part V of the Act by section 129 of, and paragraph 17(2) of Schedule 14 to, the Act.

(2) In relation to a relevant body which is abolished in pursuance of section 14 of the National Health Service Reorganisation Act 1973(b) and is the subject of a complaint to the Commissioner, “the successor body” means a body which appears to the Commissioner to have succeeded to the rights, liabilities or functions of the relevant body.

Transitional provisions relating to complaints

3.—(1) Where a relevant body is abolished in pursuance of section 14 of the National Health Service Reorganisation Act 1973, the provisions of Part V of, and Schedule 13 to, the Act shall apply, subject to the modifications prescribed in the following paragraphs of this regulation, in relation to a complaint made to the Commissioner in respect of the body which:—

(a) 1977 c. 49; paragraph 17(1) was modified by the National Health Service (Modification of the National Health Service Act 1977) Order 1982 (S.I. 1982/143).
(b) 1973 c. 32.

- (a) was duly made under the Act before the date of abolition; or
- (b) is made as if that body were not abolished either
 - (i) within the period of one year beginning with the date of that abolition, or
 - (ii) after that period if the Commissioner considers it reasonable to conduct an investigation.

(2) The requirement in section 112(a) of the Act that before proceeding to investigate a complaint the Commissioner shall satisfy himself that the complaint has been brought by or on behalf of the person aggrieved to the notice of the relevant body in question and that that body has been afforded a reasonable opportunity to investigate and reply to the complaint, shall apply as if in that subsection after the words "the relevant body in question" there were added the words "or the successor body".

(3) Paragraphs (b) and (d) of section 119(1) of the Act (which relate to sending a report of an investigation to bodies concerned) shall not apply, but the Commissioner, where he conducts an investigation, shall send a report of the result of his investigation:—

- (a) to the successor body;
- (b) where the successor body is a special health authority to the Secretary of State; and
- (c) where the successor body is a District Health Authority to the Regional Health Authority of which the district is in the region.

(4) Section 119(2) of the Act (which relates to giving notice of a decision not to investigate a complaint) shall apply as if for the requirement to send a statement to the relevant body in question there was substituted a requirement to send the statement to the successor body.

(5) Paragraph 1 of Schedule 13 to the Act (which relates to affording an opportunity for comment on a complaint) shall apply as if for the reference to the relevant body there was substituted a reference to the successor body.

(6) Paragraph 5 of Schedule 13 to the Act (which relates to action taken during the conduct of an investigation) shall apply as if for the reference to the relevant body there was substituted a reference to the successor body.

(7) Paragraph 7 of Schedule 13 to the Act (which relates to evidence) shall apply as if for the reference to the relevant body there was substituted a reference to the successor body.

Revocation of regulations

4. The Health Service Commissioners (Transitional Provisions) Regulations 1974(a) are hereby revoked.

Norman Fowler,
Secretary of State for Social Services.

4th March 1982.

(a) S.I.1974/247.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision for a complaint to the Health Service Commissioner for England in respect of a preserved Board which is abolished by the National Health Service Reorganisation Act 1973 to be investigated by the Commissioner notwithstanding such abolition.

For this purpose a "preserved Board" is a Board of Governors of a post-graduate London teaching hospital which has been preserved from abolition by section 15 of the National Health Service Reorganisation Act 1973.

These Regulations also revoke the Health Service Commissioners (Transitional Provisions) Regulations 1974.

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