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**1982 No. 314****NATIONAL HEALTH SERVICE, ENGLAND AND WALES****The Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order 1982**

<i>Made</i> - - - - -	8th March 1982
<i>Laid before Parliament</i>	11th March 1982
<i>Coming into Operation</i>	1st April 1982

The Secretary of State for Social Services, in exercise of powers conferred on him by sections 11, 22(4)(e) and 92(1) of the National Health Service Act 1977(a), and of all other powers enabling him in that behalf, after consultation with the health authorities concerned with the trust property transferred by this order, hereby makes the following order:—

*Citation and commencement*

**1.** This order may be cited as the Authorities for London Post-Graduate Teaching Hospitals (Establishment and Constitution) Order 1982 and shall come into operation on 1st April 1982.

*Interpretation*

**2.** In this order, unless the context otherwise requires, “Authority” means a special health authority established by the next following Article.

*Establishment of Authorities*

**3.** The special health authorities which are specified in column (1) of Schedule 1 to this order are hereby established and shall be known by the names specified in that column.

*Functions of Authorities*

**4.** Each Authority shall exercise such functions relating to the management of the hospital or hospitals specified in column (2) of Schedule 1 to this order opposite its name, services provided in connection therewith, and such other functions as the Secretary of State may direct it to perform on his behalf.

*Constitution of Authorities*

**5.—(1)** Each Authority shall consist of a chairman and 19 members.

(2) The Secretary of State shall consult the University of London and such other bodies as he may consider appropriate about the persons who are to be appointed members of each Authority.

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(a) 1977 c. 49.

- (3) The members of each Authority shall include—
- (a) two persons each of whom is a medical practitioner or a dental practitioner and is employed as a consultant by the Authority to which the appointment is being made or in the case of the Hammer-smith Special Health Authority employed either by that Authority or by the Royal Postgraduate Medical School;
  - (b) a medical practitioner providing general medical services;
  - (c) a registered nurse, a certified midwife or a health visitor;
  - (d) a person nominated by the University of London;
  - (e) two persons nominated by the Institute or the Medical School specified in column (1) of Schedule 2 to this order opposite the name of the Authority, specified in column (2) of that Schedule, in respect of which the appointment is being made;
  - (f) a person—
    - (i) who, in the opinion of the Secretary of State, is either a medical or dental practitioner of consultant status in an activity undertaken at a hospital managed by the Authority to which the appointment is being made, or can suitably represent activities of national significance undertaken at a hospital managed by the Authority to which the appointment is being made, but
    - (ii) who is not employed by an Authority, an Institute or Medical School specified in column (1) of Schedule 2 to these regulations, or by the University of London;
  - (g) a person nominated by a trade union within the meaning of section 28(1) of the Trade Union and Labour Relations Act 1974<sup>(a)</sup> or by a federation of workers organisations;
  - (h) ten other members of whom—
    - (i) at least one shall be nominated by the Greater London Council, a London borough council or the Common Council of the City of London as the Secretary of State may consider appropriate;
    - (ii) at least one is nominated by such Regional or District Health Authority in whose region or district is situated a hospital or part of a hospital managed by the Authority to which the appointment is being made as the Secretary of State may consider appropriate.

*Admission to meetings*

6. The Public Bodies (Admission to Meetings) Act 1960<sup>(b)</sup> shall apply to each Authority.

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<sup>(a)</sup> 1974 c. 52.

<sup>(b)</sup> 1960 c. 67; paragraph 1 of Schedule 1 was amended by the National Health Service Reorganisation Act 1973 (c. 32), section 57 and Schedule 4, paragraph 99.

*Joint consultative committees*

**7.** The Secretary of State may appoint any person who has been nominated by an Authority to a joint consultative committee, or a sub-committee, within the meaning of section 22 of the National Health Service Act 1977.

*Transitional provisions*

**8.** The transitional provisions in Schedule 3 to this order shall apply.

*Norman Fowler,*  
Secretary of State for Social Services.

8th March 1982.

Authorities and the hospitals in respect of which functions shall be exercisable.

Column (1)	Column (2)
The Board of Governors of the Hospitals for Sick Children	The Hospital for Sick Children, W.C.1. The Hospital for Sick Children, Tadworth, Surrey. Queen Elizabeth Hospital for Children, Hackney Road, E.2
The Board of Governors of the National Hospitals for Nervous Diseases	The National Hospital, Queen Square, W.C.1. Maida Vale Hospital for Nervous Diseases, W.9. The National Hospitals, Finchley, N.2. The National Hospitals Chalfont Centre for Epilepsy, Chalfont St. Peter, Bucks. The National Hospitals College of Speech Sciences, W.1 and N.W.3.
The Board of Governors of Moorfields Eye Hospital	Moorfields Eye Hospital, City Road, E.C.1. Moorfields Eye Hospital, High Holborn, W.C.1.
The Bethlem Royal Hospital and The Maudsley Hospital Health Authority	The Bethlem Royal Hospital, Beckenham, Kent. The Maudsley Hospital, S.E.5.
The Board of Governors of the National Heart and Chest Hospitals	The National Heart Hospital, W.1. Brompton Hospital, S.W.3. Brompton Hospital, Frimley, Surrey. The London Chest Hospital, E.2.
The Board of Governors of the Royal Marsden Hospital	The Royal Marsden Hospital (London), S.W.3. The Royal Marsden Hospital (Surrey), Downs Road, Sutton, Surrey.
The Hammersmith Special Health Authority	Hammersmith Hospital, W.12.

## SCHEDULE 2

## Article 5(3)(e)

The Institutes and Medical School with power to nominate persons for appointment as members of Authorities.

Column (1)	Column (2)
Institute of Child Health	The Board of Governors of the Hospitals for Sick Children
Institute of Neurology	The Board of Governors of the National Hospitals for Nervous Diseases
Institute of Ophthalmology	The Board of Governors of Moorfields Eye Hospital
Institute of Psychiatry	The Bethlem Royal Hospital and The Maudsley Hospital Health Authority
Cardiothoracic Institute	The Board of Governors of the National Heart and Chest Hospitals
Institute of Cancer Research	The Board of Governors of the Royal Marsden Hospital
Royal Postgraduate Medical School	The Hammersmith Special Health Authority

Article 8

SCHEDULE 3

TRANSITIONAL PROVISIONS

PART I

AUTHORITIES OTHER THAN THE HAMMERSMITH SPECIAL HEALTH  
AUTHORITY

1. This part of this Schedule has no application to the rights and liabilities of the Hammersmith Special Health Authority.

2. In this part of this Schedule “the Act of 1973” means the National Health Service Reorganisation Act 1973<sup>(a)</sup> and “preserved Board” means a preserved Board within the meaning of section 15(6) of the Act of 1973 which managed a hospital specified in column 2 of Schedule 1 to this order immediately before 1st April 1982 and “right or liability” means a right or liability subsisting immediately before the abolition of a preserved Board.

3. (1) Subject to the National Health Service (Abolition of Authorities: Consequential Provisions) Order 1974 <sup>(b)</sup> as modified by the National Health Service (Modification of Enactments and Consequential Provisions) Order 1982<sup>(c)</sup> any right or liability which was enforceable by or against a preserved Board shall be enforceable by or against the Authority exercising, in place of that preserved Board, the function in respect of which such right or liability was acquired or incurred.

(2) Any right or liability which was enforceable by or against a preserved Board in respect of the employment, by such preserved Board, of any person who is transferred to the employment of an Authority on the abolition of a preserved Board or the establishment of an Authority, shall be enforceable by or against such Authority.

(3) Any right or liability which was enforceable by or against a preserved Board in respect of any property shall be enforceable by or against the Authority which by virtue of this order manages such property on 1st April 1982.

(4) Any right of a preserved Board to secure payment of a debt due to that Board or under an undertaking to pay any charges incurred before 1st April 1982 for accommodation or services, and any liability on the part of a preserved Board for payment of a debt, shall be enforceable by or against the Authority exercising, in place of that preserved Board, the function in respect of which such right or liability was acquired or incurred.

(5) Any right or liability which was enforceable by or against a preserved Board and which, by virtue of any of the foregoing provisions of this paragraph is not enforceable by or against any Authority or is enforceable by or against more than one Authority, shall be enforceable by such Authority as the Secretary of State considers appropriate.

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<sup>(a)</sup> 1973 c. 32.

<sup>(b)</sup> S.I. 1974/248.

<sup>(c)</sup> S.I. 1982/75.

## PART II

## THE HAMMERSMITH SPECIAL HEALTH AUTHORITY

1. This part of this Schedule has no application to the rights and liabilities of any Authority except the Hammersmith Special Health Authority.

2. In this part of this Schedule—

“Hammersmith Authority” means the Hammersmith Special Health Authority, “the old authority” means the Ealing, Hammersmith and Hounslow Area Health Authority (Teaching) and the North West Thames Regional Health Authority insofar as those authorities exercised functions in respect of any hospital which the Hammersmith Authority will manage on 1st April 1982, and “right or liability” means a right or liability subsisting immediately before the abolition of the old authority.

3. (1) Subject to the provisions of this part of this Schedule, any right or liability which was enforceable by or against the old authority shall be enforceable by or against the Hammersmith Authority.

(2) Any right or liability which was enforceable by or against the old authority in respect of the employment by that authority of any person who transfers to the employment of the Hammersmith Authority on its establishment shall be enforceable by or against the Hammersmith Authority.

(3) Any right or liability which was enforceable by or against the old authority in respect of any property shall be enforceable by or against the Hammersmith Authority.

(4) Any right of the old authority to secure payment of a debt due to that authority or under an undertaking to pay any charges incurred before 1st April 1982 for accommodation or services, and any liability on the part of the old authority for payment of a debt, shall be enforceable by or against the Hammersmith Authority.

(5) Any right or liability which was enforceable by or against the old authority and which by virtue of the foregoing provisions of this paragraph is enforceable by or against more than one health authority, shall be enforceable by the Hammersmith Authority in such manner, and to such extent, as the Secretary of State shall direct.

4. Any officer of the old authority designated by a scheme made by the old authority for the transfer on 1st April 1982 of persons employed by the old authority to the employment of the Hammersmith Authority shall on that date be transferred to the Hammersmith Authority and the contract of employment between such officer and the old Authority shall be modified so as to substitute the Hammersmith Authority as the employer.

5. Where arrangements have been made by the old authority under which any officer transferred by or under this order is undergoing, or is to undergo, a course of training or has entered, or is going to enter, into an apprenticeship and those arrangements have not been discharged before 1st April 1982, those arrangements shall continue to apply with the substitution for the old authority of the Hammersmith Authority.

6. Any property held in trust by the old authority for any hospital which the Hammersmith Authority will manage on 1st April 1982 shall transfer to the Hammersmith Authority.

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This order provides for the establishment and constitution of special health authorities for the purpose of exercising on behalf of the Secretary of State functions in relation to the London post-graduate teaching hospitals specified in Schedule 1 to this Order. With the exception of Hammersmith Hospital, those hospitals were formally managed by preserved Boards within the meaning of section 15(6) of the National Health Service Reorganisation Act 1973. Provision is also made for the admission of the public to the meetings of such authorities (Article 6) and the appointment of certain persons to joint consultative committees (Article 7).

SI 1982/314  
ISBN 0-11-026314-6

