
STATUTORY INSTRUMENTS

2002 No. 553

**The Health Authorities (Establishment
and Abolition) (England) Order 2002**

Citation, commencement, extent and interpretation

1.—(1) This Order may be cited as the Health Authorities (Establishment and Abolition) (England) Order 2002 and shall come into force on 1st April 2002.

(2) This Order extends to England only.

(3) In this Order—

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

“Glossop” means the wards of All Saints, Gamesley, St. Andrews, St. Charles, St. James, St. Johns, Simmondley and Tintwistle within the borough of High Peak in the county of Derbyshire;

“local representative committee” means a Local Medical Committee, Local Dental Committee, Local Optical Committee or Local Pharmaceutical Committee recognised under section 44 of the Act⁽¹⁾;

“the material date” means 1st April 2002;

“the new Authorities” means the Health Authorities established by this Order, which are specified in Schedule 1 to this Order;

“the old Authorities” means the Health Authorities specified in column (1) of Schedule 2 to this Order;

“the 1992 Regulations” means the National Health Service (Service Committees and Tribunals) Regulations 1992⁽²⁾;

“relevant health service body” has the same meaning as in section 92⁽³⁾ of the Act;

“the relevant new Authority” means, in relation to any old Authority specified in column (1) of Schedule 2 to this Order, the new Authority which is specified in column (2) of that Schedule in relation to that old Authority.

Abolition of Health Authorities

2. The old Authorities are abolished.

(1) Section 44(A1) and (B1) were inserted by the Health Act 1999 (c. 8), section 11 and Schedule 5; section 1 was amended by the Health and Social Security Act 1984 (c. 48), Schedule 8; the National Health Service and Community Care Act 1990 (c. 19), section 12(4), and by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 32.

(2) S.I. 1992/664; regulations 3 and 5 were substituted by S.I. 1996/703; regulation 15 was modified by S.I. 1996/971.

(3) Section 92 was amended by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 44, and by the Health Act 1999 (c. 8), Schedule 4, paragraph 28.

Establishment, names and areas of the new Authorities

3. For each of the areas described in column (2) of Schedule 1 to this Order there is established a Health Authority which shall be known by the name specified in column (1) of that Schedule in relation to that area.

Transfer of property, rights and liabilities

4.—(1) Subject to paragraph (2) and article 8 below, all the property, rights and liabilities of the old Authorities are transferred in each case from the old Authority in question to the relevant new Authority.

(2) Paragraph (1) above does not apply to any property, rights or liabilities which are to be transferred on the material date to a relevant health service body by an order under section 92 of the Act.

Accounts of old Authorities

5. Any duty imposed on any of the old Authorities by or under section 98(4) of the Act, but not performed by the material date, shall be performed by the relevant new Authority.

Winding up of affairs of old Authorities

6. It is the duty of each new Authority to take such action as may be necessary for the winding up of the affairs of any old Authority in relation to which it is the relevant new Authority.

Provision for continuity in the exercise of functions

7.—(1) Subject to paragraph (2) and articles 8 and 9 below, anything done by or in relation to any of the old Authorities shall be deemed to have been done by or in relation to the relevant new Authority.

(2) Paragraph (1) above does not apply to any recognition granted by any of the old Authorities in relation to any local representative committee.

(3) Any instrument made by any of the old Authorities continues in force in relation to the relevant new Authority until it is varied or revoked by the relevant new Authority.

(4) Any form supplied by any of the old Authorities, or any form supplied by the Secretary of State in relation to any of the old Authorities continues to be a valid form in relation to the relevant new Authority until it is cancelled or withdrawn by the Secretary of State or the relevant new Authority, as if any reference contained in that form to the old Authority in question were a reference to the relevant new Authority.

Special provision on rights, liabilities and functions in relation to Glossop

8.—(1) Where any rights or liabilities of the old Authority known as the West Pennine Health Authority were respectively acquired or incurred in connection with any services to be provided in Glossop by any person, then, in relation to any such services as are, or are to be, so provided on or after the material date, those rights and liabilities are transferred to the new Health Authority known as the Trent Health Authority.

(4) Section 98 was amended by the Health and Social Security Adjudications Act 1983 (c. 41), Schedule 5; the Health and Social Security Act 1984 (c. 48), section 6 and Schedule 8, Part I; the Health and Medicines Act 1988 (c. 49), section 12; the National Health and Community Care Act 1990 (c. 19), sections 11(7) and 20(2), Schedule 2, paragraph 24(2) and Schedule 10; the Health Authorities Act 1995 (c. 17), section 2(1) and Schedules 1 and 3; the Health Act 1999 (c. 8), Schedule 4, paragraph 33 and Schedule 5, and by S.I. 2000/90.

(2) Where anything was done by or in relation to the old Health Authority known as the West Pennine Health Authority in connection with any services to be provided in Glossop by any person, then, in relation to any such services as are, or are to be, so provided on or after the material date, the thing shall be deemed to have been done by or in relation to the new Health Authority known as the Trent Health Authority.

Committees appointed or recognised by the old Authorities

9.—(1) Subject to paragraphs (2) to (7) below, a reference committee or a professional committee appointed by an old Authority under regulation 3(4) or 15 of the 1992 Regulations, or a discipline committee appointed by an old Authority under regulation 3(1) of those Regulations, may, notwithstanding the abolition of the old Authority by this Order, exercise any relevant functions under those Regulations, in relation to any matter which was referred to it before the material date, as if it were a committee appointed by the relevant new Authority.

(2) Paragraph (3) below applies where—

- (a) before the material date, an old Authority (A) refers a matter pursuant to regulation 5 of the 1992 Regulations to another old Authority (B) for investigation by a discipline committee appointed by that Authority;
- (b) the hearing before the discipline committee has not taken place before the material date;
- (c) by virtue of article 7 above, the acts done by (A) and (B) are deemed to have been done by a new Authority (C); and
- (d) by virtue of paragraph (1) above, the discipline committee investigating the matter is also deemed to have been appointed by the new Authority (C).

(3) Where this paragraph applies, the new Authority (C) shall take no further steps in the investigation of the matter and shall transfer the investigation to another new Authority (D) which has not appointed, and has not, by virtue of paragraph (1) above, been deemed to have appointed, any disciplinary committee jointly with the new Authority (C), for the investigation to be continued by a discipline committee appointed by that new Authority (D).

(4) Where the investigation of a matter is transferred as referred to in paragraph (3) above—

- (a) anything done in relation to the investigation of the matter by or in relation to the discipline committee appointed by the old Authority (B) shall be deemed to have been done by or in relation to the discipline committee appointed by the new Authority (D); and
- (b) anything done in relation to the investigation of that matter by or in relation to the old Authority (B) shall be deemed to have been done by or in relation to the new Authority (D).

(5) Paragraph (6) below applies where—

- (a) before the material date, an old Authority (A) refers a matter pursuant to regulation 5 of the 1992 Regulations to an old Authority (B) for investigation by a discipline committee appointed by that Authority;
- (b) the hearing before the discipline committee has not taken place before the material date;
- (c) by virtue of article 7 above, a new Authority (C) is deemed to be the Authority to which the matter has been referred for investigation;
- (d) by virtue of article 7 above, a new Authority (D) is deemed to be the Authority which referred the matter for investigation; and
- (e) by virtue of paragraph (1) above, the discipline committee investigating the matter is deemed to have been appointed jointly by the new Authority (C) and by the new Authority (D) (whether or not together with another new Authority or Authorities).

(6) Where this paragraph applies, new Authority (C) shall take no further steps in the investigation of the matter and shall transfer the investigation to another new Authority (E) which has not

appointed, and has not, by virtue of paragraph (1) above, been deemed to have appointed, any disciplinary committee jointly with the new Authority (D), for the investigation to be continued by a discipline committee appointed by new Authority (E).

- (7) Where the investigation of a matter is transferred as referred to in paragraph (6) above—
- (a) anything done in relation to the investigation of the matter by or in relation to the discipline committee appointed by the old Authority (B) shall be deemed to have been done by or in relation to the discipline committee appointed by the new Authority (E); and
 - (b) anything done in relation to the investigation of that matter by or in relation to the old Authority (B) shall be deemed to have been done by or in relation to the new Authority (E).
- (8) A local representative committee recognised by an old Authority, may, notwithstanding the abolition of the old Authority by this Order, exercise any functions given to it under—
- (a) the 1992 Regulations;
 - (b) the National Health Service (General Dental Services) Regulations 1992(5);
 - (c) the National Health Service (General Medical Services) Regulations 1992(6);
 - (d) the National Health Service (General Ophthalmic Services) Regulations 1986(7);
 - (e) the National Health Service (Pharmaceutical Services) Regulations 1992(8);
 - (f) the National Health Service (Proposals for Pilot Schemes) and (Miscellaneous Amendments) Regulations 1997(9); or
 - (g) the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999(10),

in relation to any matter which was referred to it, or initiated by it, before the material date, as if it were a committee recognised by the relevant new Authority.

(9) A joint committee of two or more Local Medical Committees recognised under section 44 of the Act, which is constituted under regulation 16 of the 1992 Regulations, may, notwithstanding the abolition by this Order of the old Authorities which recognised those Committees, exercise any functions given to it under that regulation 16, in relation to any matter which was referred to it before the material date, as if it were a joint committee so constituted of Local Medical Committees recognised by the relevant new Authority.

Investigation of complaints by the Health Service Commissioner

10.—(1) A complaint made under the Health Service Commissioners Act 1993(11) to the Health Service Commissioner for England in relation to any of the old Authorities, whether made before, on or after the material date may be investigated by the Commissioner notwithstanding the abolition of the old Authorities, as if the complaint has been made in relation to the relevant new Authority.

(2) The Health Service Commissioner for England, where he conducts such an investigation, shall send a report of the result of his investigation to the relevant new Authority.

Revocation

11. The orders specified in Schedule 3 to this Order are revoked.

(5) S.I. 1992/661.

(6) S.I. 1992/635.

(7) S.I. 1986/975.

(8) S.I. 1992/662.

(9) S.I. 1997/2289.

(10) S.I. 1999/2337.

(11) 1993 c. 46; as amended by the Health Service Commissioners (Amendment) Act 1996 (c. 5).

Signed by authority of the Secretary of State for Health

10th March 2002

Hunt
Parliamentary Under Secretary of State,
Department of Health