
STATUTORY INSTRUMENTS

1999 No. 807

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

WALES

**The Health Promotion Authority
for Wales (Abolition) Order 1999**

<i>Made</i>	- - - -	<i>11th March 1999</i>
<i>Laid before Parliament</i>		<i>18th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State for Wales, in exercise of powers conferred on him by sections 11 and 126(3) and (4) of the National Health Service Act 1977(1) and of all other powers enabling him in that behalf after consulting, in accordance with section 11 of that Act, such bodies as he recognises as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of the Order, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This order may be cited as the Health Promotion Authority for Wales (Abolition) Order 1999 and shall come into force on 1st April 1999.

(2) In this Order unless the context otherwise requires—

“the Authority” means the Health Promotion Authority for Wales constituted under the 1991 Order;

“the 1991 Order” means the Health Promotion Authority for Wales Constitution Order 1990(2);

“the 1997 Order” means the Health Promotion Authority for Wales Constitution (Amendment) Order(3);

“material date” means 1st April 1999;

(1) 1977 c. 49. Section 11 was amended by paragraph 31 of Schedule 1 to the Health Services Act 1980 (c. 53), Schedule 10 to the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and paragraph 2 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”); section 126(3) and (4) was amended by section 65(2) of the 1990 Act and section 126(3) was amended by paragraph 57 of Schedule 2 to the 1995 Act.

(2) S.I. 1991/1102 as amended by S.I. 1997/326.

(3) S.I. 1997/326.

“NHS contract” has the same meaning as in the National Health Service and Community Care Act 1990; and

“Secretary of State” means the Secretary of State for Wales.

Revocation of Orders and abolition of Authority

2. The 1991 and 1997 Orders are hereby revoked and the Authority is abolished.

Transfer of property and enforceability of rights and liabilities

3.—(1) Subject to paragraph 2 of this article—

- (a) all property held by the Authority immediately before the material date shall be transferred to the Secretary of State;
- (b) all rights and liabilities acquired or incurred by the Authority shall be transferred to the Secretary of State; and
- (c) all NHS contracts entered into by the Authority shall have effect as if entered into by the Secretary of State.

(2) Nothing in this Order shall have effect to continue in force any contract of employment.

(3) This Article applies to a liability imposed by or under any statutory provision as it applies to a liability which is undertaken voluntarily.

Continuity

4.—(1) The abolition by this order of the Authority does not affect the validity of anything done by the Authority before the material date.

(2) Anything done by or in relation to the Authority shall be treated as having been done by or in relation to the Secretary of State.

Accounts and winding up of affairs of the Authority

5.—(1) Any duty imposed on the Authority by section 98 of the National Health Service Act 1977, but not performed by the material date, shall be performed by Bro Taf Health Authority⁽⁴⁾.

(2) It is the duty of Bro Taf Health Authority to take such action as may be necessary for the winding up of the affairs of the Authority.

Signed by authority of the Secretary of State for Wales

Jon Owen Jones
Parliamentary Under Secretary of State, Welsh
Office

11th March 1999

(4) See S.I. 1996/146.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st April 1999, the Health Promotion Authority for Wales which is a special health authority constituted by the Health Promotion Authority for Wales Constitution Order 1991 as amended by the Health Promotion Authority for Wales (Amendment) Constitution Order 1997.

The Order makes provision for the transfer of property, rights and liabilities from the special health authority to the Secretary of State for Wales. It also makes further provision consequential on the abolition of the special health authority.