STATUTORY INSTRUMENTS

1971 No. 1437

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

HOSPITAL AND SPECIALIST SERVICES

The National Health Service (Designation of Teaching Hospitals) Amendment (No. 2) Order 1971

Made - - -	31*st August* 1971
Coming into Operation	1*st October* 1971

The Secretary of State for Social Services, in exercise of his powers under sections 11 and 75 of the National Health Service Act 1946(**a**) and of all other powers enabling him in that behalf, and after consultation with the University of Bristol, hereby orders as follows:—

1. This order may be cited as the National Health Service (Designation of Teaching Hospitals) Amendment (No. 2) Order 1971 and shall come into operation on 1st October 1971.

2.—(1) In this order—

"the Act" means the National Health Service Act 1946;

"the appointed day" means 1st October 1971;

"the Board of Governors" means the Board of Governors of the United Bristol Hospitals;

"the Hospital Board" means the South Western Regional Hospital Board;

"the Management Committee" means the Sandhill Park Group Hospital Management Committee;

"the transferred hospital" means the hospital named in article 3 hereof.

(2) The Interpretation Act 1889(**b**) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

3. In column (2) of Schedule 1 to the National Health Service (Designation of Teaching Hospitals) Order 1959(**c**) as amended (**d**) (which Schedule lists designated teaching hospitals) after the names of the hospitals listed against the name of the United Bristol Hospitals in column (1) there shall be added the words "Farleigh Hospital, Flax Bourton, Somerset (including Yatton Hall Annexe)".

4.—(1) All officers of the Hospital Board employed immediately before the appointed day solely at or for the purposes of the transferred hospital shall on that day be transferred to and become officers of the Board of Governors.

(2) All medical and dental officers of the Hospital Board employed immediately before the appointed day partly at and for the purposes of the transferred hospital and partly at and for the purposes of any other hospital shall on that day become officers of the Board of Governors in relation to their

(**a**) 1946 c. 81. (**b**) 1889 c. 63.
(**c**) S.I. 1959/748 (1959 I, p. 1813).
(**d**) The relevant amending instrument is S.I. 1964/476 (1964 I, p. 765).

work at the transferred hospital and all rights and liabilities under their contract in relation thereto with the Hospital Board shall be transferred to the Board of Governors.

(3) Any other officer of the Hospital Board who is employed immediately before the appointed day partly at or for the purposes of the transferred hospital and who does not receive before that day notice in writing from the Hospital Board that he is not to be transferred to the Board of Governors shall on that day be transferred to and become an officer of the Board of Governors.

(4) Any officer who is transferred to the Board of Governors under this article and whose employment was whole-time shall continue to be subject to the remuneration and other conditions of service applicable to a whole-time officer so long as his employment for both the Hospital Board and the Board of Governors amounts in the aggregate to whole-time employment.

5. On the appointed day there shall be transferred to and vest without further conveyance in the Board of Governors :—

(*a*) any property held immediately before the appointed day by the Hospital Board or the Management Committee—

(i) under section 59 of the Act solely for the purposes of the transferred hospital, and

(ii) under section 60 of the Act, so far as practicable, for the purposes of the transferred hospital ; and

(*b*) any other property held by the Hospital Board or the Management Committee and any rights and liabilities to which either of them were entitled or subject immediately before the appointed day so far as these relate solely to the transferred hospital.

6. Any officer employed at or for the purposes of the transferred hospital who immediately before the appointed day was authorised, under regulations 13(2), 20(1), (2) or (3), 21(1) or 24(2) of the Mental Health (Hospital and Guardianship) Regulations 1960(**a**) to exercise functions under the Mental Health Act 1959(**b**) shall continue to exercise those functions as if he had been so authorised by the Board of Governors.

7. On the appointed day capital assets equivalent to assets of the Hospital Endowments Fund with a market value on the 5th July 1948 of such sum as may be determined by agreement between the Hospital Board and the Board of Governors (or in default of agreement such sum, if any, as may be decided by the Secretary of State for Social Services) shall be transferred from the Fund to the Board of Governors.

8. Any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, the Hospital Board or the Management Committee solely in respect of any property, right or liability transferred by this order shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the Board of Governors.

(a) S.I. 1960/1241 (1960 II, p. 1903). (b) 1959 c. 72.

Signed by authority of the Secretary of State for Social Services.

J. P. Dodds,
Under Secretary,
Department of Health and Social Security.

31st August 1971.

EXPLANATORY NOTE

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

This Order amends the National Health Service (Designation of Teaching Hospitals) Order 1959 by including Farleigh Hospital, Flax Bourton, Somerset (together with Yatton Hall Annexe) in the group of hospitals designated as The United Bristol Hospitals and provides for consequential matters relating to officers and property connected with that hospital.