STATUTORY INSTRUMENTS

1985 No. 370

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Determination of Districts) Amendment Order 1985

Made - - - -	11*th March* 1985
Laid before Parliament	11*th March* 1985
Coming into Operation	1*st April* 1985

The Secretary of State for Social Services, in exercise of powers conferred upon him by sections 8(1), (2) and (4) and 126(4) of the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, after consulting, in accordance with section 8(5) of that Act, such bodies as he has recognised as representing officers who in his opinion are likely to be transferred or affected by transfers in pursuance of this Order and such other bodies as he considers are concerned with the Order, hereby makes the following Order:—

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Health Service (Determination of Districts) Amendment Order 1985 and shall come into operation on 1st April 1985.

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

"the Act" means the National Health Service Act 1977;

"the material date" means 1st April 1985;

"the new authority" means Riverside Health Authority constituted by the National Health Service (Constitution of District Health Authority) Order 1985(**b**);

"the old authorities" means Fulham and Hammersmith Health Authority and Victoria Health Authority constituted by the National Health Service (Constitution of District Health Authorities) Order 1981(**c**).

Variation of district

2.—(1) The district of Hammersmith and Fulham Health Authority is hereby abolished.

(2) The district of Victoria Health Authority shall be varied so as to include

(**a**) 1977 c. 49; section 8(1) and (2) were amended by the Health Services Act 1980 (c. 53), Schedule 1, Part I, paragraph 28.
(**b**) S.I. 1985/369.
(**c**) S.I. 1981/1838, to which there are amendments not relevant to this Order.

the London borough of Hammersmith and Fulham and shall be known as Riverside District.

(3) Accordingly in Part 1 of Schedule 1 to the National Health Service (Determination of Districts) Order 1981 (a) the entries in column (2) "Hammersmith and Fulham District" and "Victoria District" and any entries in column (1) or (3) relating to them shall be omitted and after the entries relating to Paddington and North Kensington District there shall be inserted in the appropriate columns the following entries—

"Col (1)	Col (2)	Col (3)
5	Riverside District	In Greater London— The London borough of Hammersmith and Fulham; The Royal borough of Kensington and Chelsea (except the wards of Avondale, Colville, Golbourne, Kelfield, Norland, Pembridge and St Charles); In the City of Westminster the wards of Belgrave, Churchill, Knightsbridge, Millbank, St George's and Victoria and that part of St James's ward lying south west of Haymarket, Cockspur Street and Northumberland Avenue".

Transfer of officers

3. Any officer employed by either of the old authorities immediately before the material date shall on the material date be transferred to the employment of the new authority and the contract of employment between such officer and the authority by which he was employed shall be modified so as to substitute as the employer the new authority.

Preservation of training arrangements

4. Where arrangements have been made by either of the old authorities under which any officer transferred by 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 the material date, those arrangements shall continue to apply with the substitution for that authority of the new authority.

Enforceability of rights and liabilities

5. Subject to the following provisions of this Order any right which was enforceable by and any liability which was enforceable against either of the old authorities shall be enforceable by or against the new authority.

(a) S.I. 1981/1837; the relevant amending instrument is S.I. 1982/344.

Winding up of affairs of old authorities

6. It shall be the duty of the new authority to take, in accordance with such directions as may be given by the North West Thames Regional Health Authority, such action as may be necessary for winding up the affairs of the old authorities.

Accounts of old authorities

7. Where, on the material date, either of the old authorities has not performed in respect of any period before the material date any duty imposed on that authority by section 98(**a**) of the Act it shall be the duty of the new authority to perform that duty in accordance with the provisions of that section, any regulations made under that section and any directions which may be given by the Secretary of State.

Provision for continuity in exercise of functions

8.—(1) Anything duly done by, and any application duly made by, or any direction, authorisation or notice duly given to or by either of the old authorities shall be deemed to have been duly done by, or made by or given to or by the new authority.

(2) Any instrument made by either of the old authorities shall continue in force until it is varied or revoked by the new authority.

(3) Any form supplied by either of the old authorities and any form supplied by the Secretary of State relating to either of the old authorities shall continue to be a valid form in relation to the new authority until it is cancelled or withdrawn by the Secretary of State or the new authority, as if any reference contained in such a form to either of the old authorities were a reference to the new authority.

Accommodation and services made available on payment of charges

9. To the extent that any accommodation and services at any hospital in the district of either of the old authorities is immediately before the material date, authorised by the Secretary of State to be made available under section 65(1) or section 66(1) of the Act(**b**) it shall continue to be authorised to be made available under the appropriate section, to the extent determined, on or after that date until such authorisation is varied or revoked by the Secretary of State.

Investigation of complaints by Health Service Commissioner

10.—(1) A complaint under Part V of the Act to the Health Service Commissioner for England in relation to either of the old authorities, whether made before or after the material date, may be investigated by that Commissioner notwithstanding the abolition of that authority as if the complaint had been made in relation to the new authority.

(**a**) Section 98 was amended by the Health Services Act 1980 (c. 53), Schedule 1, paragraphs 69 and 97 and the Health and Social Security Act 1984 (c. 48), Schedule 1, Part I.
(**b**) Sections 65(1) and 66(1) were amended by the Health Services Act 1980, section 11(1).

(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 new authority and to the North West Thames Regional Health Authority.

Appointment to act on behalf of persons unable to act for themselves

11. Any appointment made by the Secretary of State for the purposes of the Family Income Supplements Act 1970(**a**), the Social Security Act 1975(**b**), the Industrial Injuries and Diseases (Old Cases) Act 1975(**c**), the Child Benefit Act 1975(**d**) or the Supplementary Benefits Act 1976(**e**), of either of the old authorities or of a person holding a specified office with either of the old authorities to exercise, on behalf of a person unable to act by reason of mental or other incapacity, any right which such person may have under any of those Acts, shall continue to be a valid appointment as if any reference therein to that authority or a person holding the said office were a reference to the new authority.

Transfer of trust property of old authorities

12. The trust property vested immediately before the appointed date in either of the old authorities shall on the material date be transferred to the new authority.

Exercise of powers in relation to trusts

13. Where, immediately before the material date, any power to appoint trustees of a charity connected with health service purposes is under the trust of the charity vested in either of the old authorities that power shall on the material date vest in the new authority.

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

John Patten,
Parliamentary Under-Secretary of State,
Department of Health and Social Security.

11th March 1985.

(**a**) 1970 c. 55. (**b**) 1975 c. 14. (**c**) 1975 c. 16.
(**d**) 1975 c. 61. (**e**) 1976 c. 71.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order varies the district of Victoria Health Authority so as to include in it the district of Hammersmith and Fulham Health Authority which latter district is abolished. It renames the surviving district Riverside District. It also makes provision for the transfer of officers, property, rights and liabilities from the two aforementioned authorities, which are abolished on 1st April 1985 by the National Health Service (Constitution of District Health Authority) Order 1985, to the new District Health Authority established by that Order on that date for Riverside District. It makes further transitional provisions consequential on the establishment of the new authority.

SI 1985/370
ISBN 0-11-056370-0

