STATUTORY INSTRUMENTS

1990 No. 1755

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Determination of Regions and Districts) Amendment Order 1990

Made - - - -	*23rd August 1990*
Laid before Parliament	*24th August 1990*
Coming into force	*17th September 1990*

The Secretary of State for Health, 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, hereby makes the following Order:–

Citation, commencement and interpretation

1.—(1) This Order may be cited as the National Health Service (Determination of Regions and Districts) Amendment Order 1990 and shall come into force on 17th September 1990.

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

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

"District" and "Region" mean respectively a district and a region for which a health authority is established;

"the material date" means 17th September 1990;

"the new authority" means Bloomsbury and Islington Health Authority established by the National Health Service (District Health Authorities) Order 1990(b);

"the old authorities" means Bloomsbury Health Authority and Islington Health Authority constituted by the National Health Service (Constitution of District Health Authorities) Order 1981(c);

"specially transferred service" has the meaning assigned by article 4(2) of this Order.

Variation of districts

2.—(1) Bloomsbury District and Islington District are hereby abolished.

(2) Parkside District is varied by the inclusion of all those parts of the city of Westminster which immediately before the material date were included in Bloomsbury District.

(a) 1977 c.49; section 8 was amended by the Health Services Act 1980 (c.53), Schedule 1, Part I, paragraph 28, and by the National Health Service and Community Care Act 1990 (c.19), section 1. (b) S.I. 1990/1756.
(c) S.I. 1981/1838, to which there are amendments not relevant to this Order.

(3) There is hereby determined a new district, for which the new authority is the District Health Authority, to be known as Bloomsbury and Islington District, comprising the former Islington District and those parts of the former Bloomsbury District which are not included in Parkside District under paragraph (2) of this article.

(4) Accordingly, in Part I of Schedule 1 to the National Health Service (Determination of Districts) Order 1981(a) –

(a) in the entry in column (3) relating to Parkside District for the words "The city of Westminster" to "West End)" there are substituted the words "The city of Westminster (except 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)";

(b) the entries in columns (1), (2) and (3) relating to Bloomsbury District and to Islington District are omitted; and

(c) after the entries relating to Basildon and Thurrock District there are inserted in the appropriate columns the entries set out in Schedule 1 to this Order.

Variation of regions

3.—(1) North East Thames Region is varied by excluding, and North West Thames Region is varied by including, all those parts of the city of Westminster included immediately before the material date in North East Thames Region.

(2) Accordingly, in column (3) of the Schedule to the National Health Service (Determination of Regions) Order 1981(b) –

(a) in the entry relating to North West Thames Region the words from "(except" to "Thames Region)" are omitted; and

(b) in the entry relating to North East Thames Region the words after "City of London" are omitted.

Transfer of officers employed by District Health Authorities

4.—(1) Except as provided by paragraphs (2), (3)(a) and (4) of this article, any officer employed immediately before the material date by –

(a) one of the old authorities; or

(b) the old authorities jointly,

is on the material date transferred to the employment of the new authority.

(2) Any officer employed immediately before the material date by Bloomsbury Health Authority for or in connection with the provision of a service of a description specified in Schedule 2 to this Order (in this Order called a "specifically transferred service") and for no other purpose, is on the material date transferred to the employment of Parkside Health Authority.

(3) Any officer employed immediately before the material date by Bloomsbury Health Authority partly for or in connection with the provision of a specially transferred service, and partly for other purposes who, at any time before 1st January 1991 agrees in writing with his employing authority to transfer his employment to Parkside Health Authority in consequence of the making of this Order is, on the date specified in that agreement (being a date which is not earlier than the material date or the date of that agreement), transferred to the employment of Parkside Health Authority –

(a) if that date is the material date, from the employment of Bloomsbury Health Authority;

(b) if that date is after the material date, from the employment of the new authority.

(a) S.I. 1981/1837; the relevant amending instrument is S.I. 1988/407. (b) S.I. 1981/1836.

(4) Where –

(a) this article makes provision for the transfer of an officer, and

(b) the officer in question is employed jointly by one or both of the old authorities and another person, that provision shall have effect to transfer that officer to the employment of the new authority, or as the case may be of Parkside Health Authority and that other person jointly.

Transfer of officers employed by Regional Health Authority

5.—(1) Subject to paragraph (2) of this article, any senior medical or dental officer employed by North East Thames Regional Health Authority immediately before the material date for or in connection with the provision of services by Islington Health Authority and for no other purpose is, on the material date, transferred to the employment of the new authority.

(2) Any senior medical or dental officer employed immediately before the material date by North East Thames Regional Health Authority jointly with another person, where the functions performed by him for that Regional Health Authority are for or in connection with the provision of services by Islington Health Authority and for no other purpose, is on the material date transferred to the employment of the new authority and that other person jointly.

(3) In this article, "senior medical or dental officer" means any officer employed as a consultant, associate specialist, senior hospital medical officer or senior hospital dental officer.

Modification of contracts of employment

6. Where by virtue of article 4 or 5 of this Order the employment of any officer is transferred to that of the new authority or of Parkside Health Authority or of one of those authorities jointly with another person, the contract of employment of such officer is modified so as to substitute as the employer, or as one of joint employers, the new authority or, as the case may be, Parkside Health Authority.

Preservation of training arrangements

7. Training arrangements in 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 which have not been discharged before the material date, shall continue to apply with the substitution for that old authority of the authority to the employment of which he is transferred by article 4 of this Order.

Enforceability of rights and liabilities

8.—(1) Subject to the following provisions of this Order, any right which was enforceable by or against either of the old authorities is enforceable by or against the new authority.

(2) Rights and liabilities which were, immediately before the material date, enforceable by or against Bloomsbury Health Authority arising out of or in connection with –

(a) the provision of specially transferred services,

(b) any agreement for the provision by Bloomsbury Health Authority of services for long-stay mentally ill patients at St John's and St Elizabeth's Hospital, insofar as those services are provided for residents of those parts of the city of Westminster transferred by virtue of article 2(2) of this Order.

(c) any agreement for the provision by Bloomsbury Health Authority of services for the disabled at the Royal Hospital and Home, Putney, insofar as those services are provided for residents of those parts of the city of Westminster transferred by virtue of article 2(2) of this Order.

are enforceable by or against Parkside Health Authority and not the new authority.

Winding up of affairs of old authorities

9. It is the duty of the new authority to take, in accordance with such directions as

may be given by the North East Thames Regional Health Authority, such action as may be necessary for the winding up of the affairs of the old authorities, and, in relation to the winding up of the affairs of Bloomsbury Health Authority, it shall before taking action consult North West Thames Regional Health Authority.

Accounts of old authorities

10. Where, on the material date, either of the old authorities has not performed in respect of any period before that date any duty imposed on it by section 98 of the Act**(a)** the new authority shall 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

11.—(1) Subject to paragraph (4) of this article, 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 is deemed to have been duly done by, or made by or given to or by the new authority.

(2) Subject to paragraph (4) of this article, any instrument made by either of the old authorities continues in force, unless it is expressed to cease to be in force sooner, until it is varied or revoked by the new authority.

(3) Subject to paragraph (4) of this article, 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 continues 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 the form to either of the old authorities were a reference to the new authority.

(4) Paragraphs (l) to (3) of this article shall have effect, in relation to acts done to or by Bloomsbury Health Authority in connection with a specially transferred service, as if the references to "the new authority" were references to Parkside Health Authority.

Accommodation and services made available on payment of charges

12. To the extent that any accommodation and services at any hospital in the district 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) of the Act**(b)**, it continues to be authorised to be made available under that 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

13. —(1) Subject to paragraphs (3) and (4) of this article, 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.

(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 the North East Thames Regional Health Authority.

(3) Subject to paragraph (4) of this article, in the case of a complaint to the Commissioner relating to an alleged act or omission by Bloomsbury Health Authority in or in connection with the provision of a specially transferred service, the complaint may be investigated by the Commissioner as if it had been made in relation to Parkside Health Authority, and the Commissioner shall, where he conducts such an investigation, send a report of the result of his investigation to Parkside Health Authority and the North West Thames Health Authority.

(a) Section 98 was amended by paragraphs 69 and 97 of Schedule 1 to the Health Services Act 1980 (c.53), paragraph 3 of Schedule 5 to the Health and Social Services and Social Security Adjudications Act 1983 (c.41) and section 6(2) and Part I of Schedule 8 to the Health and Social Security Act 1984 (c.48); it is also amended by section 20 of the National Health Service and Community Care Act 1990 with effect from 1st October 1990. **(b)** Section 65 was substituted by section 7(10) of the Health and Medicines Act 1988 (c.49), and, with effect from 1st April 1991, is amended by section 25 of the National Health Service and Community Care Act 1990.

(4) In the case of a complaint to the Commissioner relating to an alleged act or omission by Bloomsbury Health Authority partly in connection with the provision of a specially transferred service, and partly in connection with the provision of other services, the complaint may be investigated as if the complaint had been made in relation to both those authorities, and the Commissioner shall, where he conducts such an investigation, send a report of the result of his investigation to both those authorities and to the North West Thames and North East Thames Regional Health Authorities.

Exercise of powers in relation to trusts

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

Appointment of new trustees

15. Where, under the trusts of a charity connected with health service purposes, the charity trustees immediately before the material date include an officer of either of the old authorities, the trustees instead include the holder of the corresponding office with the new authority.

Signed by authority of the Secretary of State for Health

Stephen Dorrell
Parliamentary Under-Secretary of State,
Department of Health

23rd August 1990

SCHEDULE 1

Regulation 2(4)(c)

ENTRIES INSERTED IN THE NATIONAL HEALTH SERVICE (DETERMINATION OF DISTRICTS) ORDER 1981

"Column (1)	Column (2)	Column (3)
6	Bloomsbury and Islington District	In Greater London – in the Borough of Camden, the wards of Bloomsbury, Brunswick, Camden, Caversham, Chalk Farm, Holborn, Kings Cross, Regent's Park, St John's, St Pancras, and Somers Town; the London Borough of Islington."

SCHEDULE 2

Regulation 4(2)

DESCRIPTION OF SERVICES – TRANSFER TO PARKSIDE HEALTH AUTHORITY

1. *Services for the elderly*

Services for the elderly provided at and from Athlone House.

2. *Mental health services*

(a) Services for the assessment and treatment of the elderly mentally ill provided at and from Latimer House Day Hospital.

(b) Services for the dementing mentally ill provided at and from Blenheim Terrace Day Centre.

(c) Child psychiatry and family therapy services provided at and from Marlborough Family Resources Centre.

(d) Community mental health services provided by the North West Community Mental Health Team.

3. *Community services*

(a) Services for –

child health

chiropody

community dentistry

dietetics

district nursing

family planning

health advice for the elderly

health visiting

pharmacy

school nursing

speech therapy

provided at or from –

Covent Garden Health Centre

Great Chapel Street Clinic

Linnet House Clinic

Lisson Grove Health Centre

Marshall Street Clinic

Upper Montagu Street Clinic.

(b) Pregnancy and postnatal care by midwives for residents of those parts of the city of Westminster transferred by virtue of article 2(2) of this Order who are booked for delivery elsewhere than at premises from which the new authority provides services.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes the districts of Bloomsbury Health Authority and Islington Health Authority and merges the districts into a new district called Bloomsbury and Islington District, with the exception of a small portion of Westminster which is transferred to Parkside District (article 2). Article 3 makes a consequential alteration to the regions of North East Thames and North West Thames Regional Health Authorities.

The Order makes provision for the transfer of officers (article 4) from Bloomsbury Health Authority and Islington Health Authority, which are abolished on 17th September 1990 by the National Health Service (District Health Authorities) Order 1990, to Bloomsbury and Islington Health Authority established by that Order, and (in relation to certain services only) to Parkside Health Authority.

The Order makes provision for the transfer of certain consultants and other senior staff from North East Thames Regional Health Authority to the new authority (article 5) and for the transfer of rights and liabilities of the abolished authorities (article 8). It also makes further provisions consequential on the establishment of the new authority, relating to training arrangements (article 7), winding up of affairs (article 9), accounts (article 10), continuity in exercise of functions etc. (articles 11 and 12), investigation by the Health Service Commissioner (article 13) and trusts (articles 14 and 15).