EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The regulations provide for the arrangements which Executive Councils through Ophthalmic Services Committees are required to make under Part IV of the National Health Service Act 1946 for the provision of Supplementary Ophthalmic Services. The regulations also provide for disciplinary matters relating to the provision of supplementary ophthalmic services and prescribe the procedure to be followed in the hearing of representations for the removal of medical practitioners, ophthalmic opticians and dispensing opticians providing supplementary ophthalmic services from a list under section 42 of the Act.

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22. TRANSFER OF LOCAL AUTHORITY FUNCTIONS

The National Health Service (Transfer of Local Authority Functions) Regulations, 1948

1948 No. 567

Made - - - -	*19th March,* 1948
Laid before Parliament	*23rd March,* 1948
Coming into Operation	*1st April,* 1948

107775.

The Minister of Health in pursuance of the powers conferred on him by section 69 of the National Health Service Act, 1946(a), hereby makes the following regulations:—

1. These regulations may be cited as the National Health Service (Transfer of Local Authority Functions) Regulations, 1948, and shall come into force on the first day of April, 1948.

2.—(1) In these regulations the following expressions have the meanings hereby assigned to them:—

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

" the Minister " means the Minister of Health;

" Council " means the Common Council of the City of London, the Council of a Metropolitan Borough or the Council of a county district;

" appointed day " means the 5th day of July, 1948.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3.—(1) Subject to the provisions of these regulations there shall on the appointed day be transferred to and vest in the local health authority by virtue of these regulations all property and liabilities held by a Council, or to which a Council is subject, immediately before the appointed day being property or liabilities held or incurred solely for the purpose of carrying out functions which by virtue of the Act are transferred from the Council to the local health authority.

(2) The property and liabilities transferred as aforesaid shall include the unexpended balances of any loans raised by the Council solely for the said purpose and any sinking fund established by the Council in connection with any such loan.

(3) The local health authority and the Council may agree that, in lieu of a transfer of a loan, the local health authority shall from time to time

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(a) 9 & 10 Geo. 6. c. 81. (b) 52 & 53 Vict. c. 63.

repay to the Council all sums required to meet the loan charges; and in the event of any such agreement being made the loan and any such sinking fund as aforesaid shall not be transferred to the local health authority.

(4) This regulation shall not apply to rights and liabilities arising under contracts for the rendering of personal services or to rights and liabilities arising under any enactment scheme or contract for the payment of superannuation benefits.

4.—(1) If not later than six weeks before the appointed day a Council or a local health authority submit to the Minister a representation in writing that it is inexpedient that any property or liability should be transferred to the local health authority under regulation 3 the provisions of that regulation shall not apply to such property or liability until the Minister by order so determines.

(2) Where any such representation as aforesaid is made the Minister may by order determine either that the provisions of regulation 3 shall apply to the property or liability as from the date of the order or that, subject to such conditions as he may thereby impose, the property or liability shall not be transferred.

5.—(1) Where immediately before the appointed day any property is held by a Council or a Council is subject to any liability, and the property or liability is held or incurred partly for the purpose of carrying out functions which by virtue of the Act are transferred from the Council to the local health authority and partly for some other purposes, the Council and the authority may make agreements for the purpose of adjusting such property or liability and the agreements may provide for the transfer or retention of any property or liability with or without conditions and for the joint use of any property on such terms as may be agreed.

(2) In default of agreement as to any matter requiring adjustment under this regulation such adjustment shall be made in such manner as the Minister may by order direct.

6. The Minister may, at the request of the local health authority to which or the Council from which, any property or liability is transferred by virtue of regulation 3 of these regulations, by order amend any document relating to the said property or liability to such extent as appears to the Minister to be necessary for the purposes of the transfer.

7. Any proceedings with respect to any property or liability transferred to a local health authority by virtue of regulation 3 of these regulations or any functions transferred from a Council to a local health authority by virtue of the Act and pending on the appointed day shall not be prejudicially affected by these regulations or by the Act and any such proceedings may be amended in such manner as may appear necessary or proper for enabling them to be prosecuted and enforced by or against the local health authority.

8. Subject to the provisions of regulation 3 (4) all agreements made or any other acts done by or in relation to a Council for the purpose of carrying out functions which on the appointed day are transferred to a local health authority shall be of full force and effect against or in favour of the local health authority and may be enforced as fully and effectually as if, instead of the Council, the local health authority had been a party thereto.

9. Save as otherwise provided, any question arising under these regulations shall in default of agreement be determined by the Minister.

Given under the official seal of the Minister of Health this nineteenth day of March nineteen hundred and forty-eight.

(L.S.) *Aneurin Bevan,*
Minister of Health.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations make provision consequential on and supplementary to the transfer of functions, by virtue of the National Health Service Act, 1946, from the Common Council of the City of London, the Councils of Metropolitan Boroughs, and the Councils of County Districts to local health authorities, and in particular for the transfer to local health authorities of property and liabilities held or incurred for the purposes of those functions.

23. TRANSFER OF OFFICERS AND COMPENSATION

The National Health Service (Transfer of Officers and Compensation) Regulations, 1948

1948 No. 1475

Made - - - - 30*th June*, 1948
Coming into Operation 5*th July*, 1948

107740

The Minister of Health, in exercise of the powers conferred on him by section 68 of the National Health Service Act, 1946(a), as amended by sub-paragraph (4) of paragraph 7 of the Sixth Schedule to the National Assistance Act, 1948(b), hereby makes the following regulations in the terms of a draft duly approved by resolution of each House of Parliament:—

PART I

Citation and Interpretation

1. These regulations may be cited as the National Health Service (Transfer of Officers and Compensation) Regulations, 1948, and shall come into operation on the fifth day of July, 1948.

2. In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" accrued pension ", in relation to a pensionable officer who has suffered loss of employment, means—

(*a*) if the pension scheme to which the officer was last subject before losing his employment consisted of arrangements for the provision of superannuation benefits in which he had no right to participate but had reasonable expectations of participating, such proportion of the pension of which he had reasonable expectations as the compensating authority considers equitable, having regard to his age, the length of his employment at the date of loss and all the other circumstances of the case; and

(*b*) in any other case the pension to which he would have become entitled in respect of his pensionable service according to the method of calculation, as modified by paragraph 18 of the schedule to these regulations, prescribed by the pension scheme to which he was last subject before losing his employment, if at the date on which he ceased to be subject thereto he had attained normal retiring age and complied with any requirement of the said scheme as to a minimum period of qualifying service or contribution,

(a) 9 & 10 Geo. 6. c. 81 (b) 11 & 12 Geo. 6. c. 29.