
STATUTORY INSTRUMENTS

1999 No. 616

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Health Authorities (England) Establishment Order
1996 Amendment and the Cambridgeshire and Norfolk
Health Authorities (Establishment etc.) Order 1999**

<i>Made</i>	- - - -	<i>8th March 1999</i>
<i>Laid before Parliament</i>		<i>9th March 1999</i>
<i>Coming into force</i>	- -	<i>1st April 1999</i>

The Secretary of State for Health, in exercise of powers conferred on him by sections 8(1) to (4) and (6) and 126(4) and (5) of the National Health Service Act 1977(1) 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 Health Authorities (England) Establishment Order 1996 Amendment and the Cambridgeshire and Norfolk Health Authorities (Establishment etc.) Order 1999 and shall come into force on 1st April 1999.

(2) In this Order:—

“the old Authorities” means the Cambridge & Huntingdon Health Authority, the East Norfolk Health Authority and the North West Anglia Health Authority, each of which is dissolved by article 2 of this Order;

“Primary Care Group” means a committee appointed under Regulation 14(1) of the Health Authorities (Membership and Procedure) Regulations 1996(2) in accordance with the Secretary of State’s directions of 15th October 1998(3);

“the principal Order” means The Health Authorities (England) Establishment Order 1996(4);

(1) 1977 c. 49. Section 8 was substituted by section 1(1) of the Health Authorities Act 1995 (c. 17) (“the 1995 Act”). Section 126(4) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 57 of Schedule 1 to the 1995 Act. Section 126(5) was added by section 65(2) of the 1990 Act.

(2) S.I. 1996/707 as amended by S.I. 1997/2991, 1998/648 and 1998/2621.

(3) A copy of the directions may be obtained by writing to Department of Health, PC-GMS, Room 7/E160 Quarry House, Quarry Hill, Leeds LS2 7UE.

(4) S.I. 1996/624.

“the relevant new Authority” means—

- (a) the Cambridgeshire Health Authority, established by article 3 of this Order, in respect of:—
 - (i) all staff employed by, and all property, rights and liabilities belonging to, the Cambridge & Huntingdon Health Authority; and
 - (ii) all staff employed by, and all property, rights and liabilities belonging to, the North West Anglia Health Authority save those referred to in paragraph (b)(ii) below; and
- (b) the Norfolk Health Authority, established by article 4 of this Order in respect of:—
 - (i) all staff employed by, and all property, rights and liabilities belonging to, the East Norfolk Health Authority; and
 - (ii) the staff, property, rights and liabilities of the North West Anglia Health Authority specified in the Schedule to this Order.

Abolition of Health Authorities

2. The Cambridge & Huntingdon Health Authority, the East Norfolk Health Authority and the North West Anglia Health Authority are hereby abolished, and accordingly their names and the description of their areas are omitted from columns (1) and (2) of the Schedule to the principal Order.

Establishment of the Cambridgeshire Health Authority

3.—(1) For the area of the county of Cambridgeshire, there is established a Health Authority which shall be known as the Cambridgeshire Health Authority.

(2) In column (1) of the Schedule to the principal Order, after “Calderdale and Kirklees Health Authority”, there is inserted the name “Cambridgeshire Health Authority”, and opposite that name, in column (2) of that Schedule, there is inserted the following description of area:

“The County of Cambridgeshire.”.

Establishment of the Norfolk Health Authority

4.—(1) For the area of the county of Norfolk, there is established a Health Authority which shall be known as the Norfolk Health Authority.

(2) In column (1) of the Schedule to the Principal Order, after “Newcastle & North Tyneside Health Authority”, there is inserted the name “Norfolk Health Authority”, and opposite that name, in column (2) of that Schedule, there is inserted the following description of area:

“The County of Norfolk.”.

Transfer of employees

5.—(1) This article applies in relation to any person who, immediately before the coming into force of this Order, was an employee of any of the old Authorities.

(2) The contract of employment between a person in relation to whom this article applies and the old Authority which employed him shall have effect as if made between him and the relevant new Authority.

(3) Without prejudice to paragraph (2) above—

- (a) all the rights and liabilities of the old Authority under or in connection with a contract to which this article applies are transferred to the relevant new Authority;

- (b) anything done by, or in relation to, the old Authority in respect of that contract or that employee, shall be deemed to have been done by, or in relation to, the relevant new Authority.

(4) Paragraphs (2) and (3) above are without prejudice to any right of any employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this article.

Transfer of property, rights and liabilities

6.—(1) All the property, rights and liabilities of the old Authorities, not mentioned in article 5 above, are transferred in each case from the old Authority in question to the relevant new Authority.

(2) In paragraph (1) above “property, rights and liabilities” include, without limitation—

- (a) the obligation to prepare the outstanding accounts of the old Authority in question and to perform all statutory duties relating to those accounts; and
- (b) any loans made to the old Authority in question.

Investigation of complaints by Health Service Commissioner

7.—(1) A complaint made under the Health Service Commissioners Act 1993 to the Health Service Commissioner for England in relation to any of the old Authorities, whether made before, on or after the coming into force of this order may be investigated by the Commissioner notwithstanding the dissolution of the old Authorities as if the complaint had been made in relation to the relevant 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 relevant new Authority.

Provision for continuity in exercise of functions

8.—(1) Anything duly done by, and any application duly made by, or any direction, authorization or notice given to or by any of the old Authorities in relation to any of its property, rights or liabilities shall be deemed to have been duly done by or made by or given to or by the relevant new Authority.

(2) Any instrument made by any of the old Authorities continues in force in relation to the relevant new Authority until it is varied or revoked by the relevant new Authority.

(3) Any form supplied by any of the old Authorities, or any form supplied by the Secretary of State in relation to any of the old Authorities, continues to be a valid form in relation to the relevant new Authority until it is cancelled or withdrawn by the Secretary of State or the relevant new Authority, as if any reference contained in that form to the old Authority in question were a reference to the relevant new Authority.

Signed by authority of the Secretary of State for Health.

8th March 1999

John Denham
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

(Article 1)

(Staff, Property, Rights and Liabilities of the North West Anglia Health Authority to transfer to the Norfolk Health Authority)

Staff

- staff allocated as at 31st March 1999 to the Primary Care Group known as the West Norfolk Primary Care Group.

Property

- the property known as 14 Tuesday Market Place, King's Lynn, Norfolk.

Rights and Liabilities

- those rights and liabilities of the North West Anglia Health Authority relating to the fundholding practices of doctors in the local authority districts of King's Lynn, West Norfolk and Breckland.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Health Authorities (England) Establishment Order 1996 and makes related provision. It provides for the abolition of the Cambridge & Huntingdon, the East Norfolk and the North West Anglia Health Authorities ("the old Authorities") (article 2), and the establishment, in their place, of the Cambridgeshire Health Authority and the Norfolk Health Authority ("the new Authorities") (articles 3 and 4).

It also provides for the transfer of staff, property, rights and liabilities from the old Authorities to the new Authorities (articles 5 and 6), for the investigation of complaints against the old Authorities by the Health Services Commissioner (article 7) and for the continuity of functions between the old Authorities and the new Authorities (article 8).