1959 No. 518

The National Health Service (Designation of London Teaching Hospitals) Amendment (No. 1) Order, 1959

Made - - - - 20*th March*, 1959
Coming into Operation 1*st April*, 1959

The Minister of Health, in exercise of the powers conferred on him by 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 London, hereby orders as follows:—

1. This order may be cited as the National Health Service (Designation of London Teaching Hospitals) Amendment (No. 1) Order, 1959, and shall come into operation on the first day of April, 1959.

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

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

"the appointed day" means the first day of April, 1959;

"the first Board" means the Board of Governors of the Charing Cross Hospital;

"the second Board" means the North West Metropolitan Regional Hospital Board;

"the third Board" means the South West Metropolitan Regional Hospital Board;

"the fourth Board" means the Board of Governors of the Hammersmith, West London and St. Mark's Hospitals for the purpose of references to the fourth Board before the appointed day, and means the Board of Governors of the Hammersmith and St. Mark's Hospitals for the purpose of references to the fourth Board on the appointed day;

"the first Committee" means the Harefield and Northwood Group Hospital Management Committee;

"the second Committee" means the Fulham and Kensington Hospital Management Committee.

(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. The National Health Service (Designation of London Teaching Hospitals) Order, 1957(c), as amended(d), shall be further amended as follows:—

(1) In column 1 of the First Schedule (which column prescribes the name of designated teaching hospitals) for the words "The Hammersmith, West London and St. Mark's Hospitals" there shall be substituted the words "The Hammersmith and St. Mark's Hospitals".

(a) 9 & 10 Geo. 6. c. 81.
(b) 52 & 53 Vict. c. 63.
(c) S.I. 1957/488 (1957 I, p. 1452).
(d) S.I. 1958/505 (1958 II, p. 1543).

(2) In column 2 of the First Schedule (which column prescribes the designated teaching hospitals), opposite the name "Charing Cross Hospital" in column 1, for the words:—

"Harrow Hospital, Roxeth Hill, Harrow-on-the-Hill, Middlesex" and

"Wembley Hospital, Fairview Avenue, Wembley, Middlesex"

there shall be substituted the words:—

"The West London Hospital, W.6.",

"The Fulham Hospital, St. Dunstan's Road, S.W.6", and

"The Fulham Maternity Hospital, Parsons Green, S.W.6."

(3) In the said column 2, opposite the name "The Hammersmith and St. Mark's Hospitals" in column 1, for the words "West London Hospital, W.6." there shall be substituted the words "St. Helena's Recovery Home, Cricklewood, N.W.2.".

4.—(1) All officers employed by the first Board immediately before the appointed day solely at the Harrow Hospital, or at the Wembley Hospital, or at both hospitals shall on that day be transferred to and become officers of the second Board.

(2) All officers employed by the first Board immediately before the appointed day partly at the Harrow Hospital, or at the Wembley Hospital, or at both hospitals and partly at another hospital, shall on that day become officers of the second Board in relation to their work at the Harrow Hospital or the Wembley Hospital, and all rights and liabilities under their contract in relation thereto with the first Board shall be transferred to the second Board:

Provided that any officer to whom this paragraph applies and who was in whole-time employment immediately before the appointed day 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 first and second Boards amounts in the aggregate to whole-time employment.

(3) All officers employed immediately before the appointed day—

(*a*) by the third Board solely at the Fulham Hospital, or at the Fulham Maternity Hospital, or at both hospitals, or by the fourth Board solely at the West London Hospital, or

(*b*) by the third Board or by the fourth Board mainly for the purposes of, but not at, one or more of those hospitals, and who are personally notified by the Board employing them during the period of one month prior to the appointed day that they are to be transferred to the first Board,

shall on that day be transferred to and become officers of the first Board.

(4) All officers employed by the third Board immediately before the appointed day partly at the Fulham Hospital, or at the Fulham Maternity Hospital or at both hospitals and partly at another hospital shall on that day become officers of the first Board in relation to their work at the Fulham Hospital or the Fulham Maternity Hospital, and all rights and liabilities under their contract in relation thereto with the third Board shall be transferred to the first Board.

Provided that any officer to whom this paragraph applies and who was in whole-time employment immediately before the appointed day 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 first and the third Boards amounts in the aggregate to a whole-time employment.

5. The National Health Service (Transfer of Officers and Compensation) Regulations, 1948(a), other than Part II thereof, shall apply in relation to any officer employed by a Board referred to in this order immediately before the appointed day who suffers loss of employment or diminution of emoluments which is attributable to the making of this order, as if such loss or diminution were attributable to the passing of the National Health Service Act, 1946, with the modifications that :—

(*a*) references to the appointed day for the purposes of those regulations shall be construed as references to the first day of April, 1959 ; and

(*b*) in the definition of " existing officer " references to employment shall include references to employment under any body constituted under the Act.

6.—(1) Any property immediately before the appointed day held under section 59 of the Act by the first Board for the purposes of the Harrow Hospital or the Wembley Hospital respectively, shall on that day be transferred to and vest without further conveyance in the first Committee and be held by them for the like purposes.

(2) Any property immediately before the appointed day held under section 60 of the Act by the first Board so far as practicable for the purposes of the Harrow Hospital or the Wembley Hospital respectively, shall on that day be transferred to and vest without further conveyance in the first Committee and be applied so far as practicable for the like purposes.

(3) Any property immediately before the appointed day held under section 59 of the Act by the fourth Board for the purposes of the West London Hospital or by the third Board or the second Committee for the purposes of the Fulham Hospital or the Fulham Maternity Hospital respectively, shall on that day be transferred to and vest without further conveyance in the first Board and be held by them for the like purposes.

(4) Any property immediately before the appointed day held under section 60 of the Act by the fourth Board so far as practicable for the purposes of the West London Hospital or by the third Board and the second Committee so far as practicable for the purposes of the Fulham Hospital or the Fulham Maternity Hospital respectively, shall on that day be transferred to and vest without further conveyance in the first Board and be applied so far as practicable for the like purposes.

7.—(1) Subject as aforesaid any property immediately before the appointed day belonging to the first Board and held solely for the purposes of the Harrow Hospital or the Wembley Hospital, shall on that day be transferred to the first Committee.

(2) Subject as aforesaid any property immediately before the appointed day belonging to the fourth Board and held solely for the purposes of the West London Hospital, or belonging to the third Board or the second Committee and held solely for the purposes of the Fulham Hospital or the Fulham Maternity Hospital respectively, shall on that day be transferred to the first Board.

8.—(1) On the appointed day capital assets equivalent to assets of the Hospital Endowments Fund with a market value of £20,636 on the fifth day of July 1948 shall be transferred from the Fund to the first Board and the respective shares of the third Board and the second Committee in the net capital sum of the Fund, as apportioned in accordance with the National Health Service (Apportionment of Hospital Endowment Fund) Regulations, 1949(b), shall each be reduced by £10,318.

(a) S.I. 1948/1475 (Rev. XV, p. 779 : 1948 I, p. 2283). (b) S.I. 1949/482 (1949 I, p. 2595).

(2) On the appointed day property held by the fourth Board under the provisions of section 7 of the Act having a market value on that day of 23·5 per centum of that of all property so held by the fourth Board, shall be transferred to and vest in the first Board.

9. Subject as aforesaid—

(1) All rights and liabilities to which the first Board were entitled or subject immediately before the appointed day, being rights or liabilities acquired or incurred solely in respect of the Harrow Hospital or the Wembley Hospital, shall on that day be transferred to and vest in the second Board.

(2) All rights and liabilities to which the third Board, the fourth Board or the second Committee were entitled or subject immediately before the appointed day, being rights or liabilities acquired or incurred solely in respect of the Fulham Hospital, the Fulham Maternity Hospital or the West London Hospital, shall on that day be transferred to and vest in the first Board.

10. Any pending proceedings to which any Board or Committee referred to in this order are a party relating solely to any property, rights or liabilities transferred under the aforesaid provisions of this order and pending at the appointed day, shall not be prejudicially affected by reason of such transfer, but any such proceedings shall be amended in such manner as may appear necessary or proper for enabling them to be prosecuted and enforced by or against the Board or Committee to which the property, rights or liabilities were transferred.

Given under the official seal of the Minister of Health this twentieth day of March, nineteen hundred and fifty-nine.

(L.S.)

J. E. Pater,
Under Secretary,
Ministry of Health.

EXPLANATORY NOTE

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

This Order amends the National Health Service (Designation of London Teaching Hospitals) Order, 1957—

(*a*) by removing the Harrow Hospital and the Wembley Hospital from the group of hospitals designated as the Charing Cross Hospital;

(*b*) by adding to that group the West London Hospital, the Fulham Hospital and the Fulham Maternity Hospital, and

(*c*) by removing the West London Hospital from the group of hospitals designated as the Hammersmith, West London and St. Mark's Hospitals and adding to that group the St. Helena's Recovery Home.

The Order provides for consequential matters relating to officers and property connected with the aforementioned hospitals.