STATUTORY INSTRUMENTS

1971 No. 362

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

HOSPITAL AND SPECIALIST SERVICES

The National Health Service (Designation of London Teaching Hospitals) Amendment (No. 2) Order 1971

Made - - - - 8*th March* 1971

Coming into Operation 1*st April* 1971

Whereas by the National Health Service (Designation of London Teaching Hospitals) Order 1957(a) as amended (b) the hospital therein described as The Hospital for Consumption and Diseases of the Chest, S.W.3 (hereinafter called "the said teaching hospital") was designated together with The London Chest Hospital, E.2 as a teaching hospital by the name of The Hospitals for Diseases of the Chest;

And Whereas it is considered desirable and expedient to change the name of the said teaching hospital to The Brompton Hospital and to provide for the management and control of The Hospitals for Diseases of the Chest together with The National Heart Hospital under one Board of Governors;

Now therefore the Secretary of State for Social Services in exercise of his powers under sections 11 and 75 of the National Health Service Act 1946(c) 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. 2) Order 1971, and shall come into operation on 1st April 1971.

2.—(1) In this order—

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

"the appointed day" means 1st April 1971;

"the new Board" means the Board of Governors of the National Heart and Chest Hospitals;

"the old Boards" means the Board of Governors of the Hospitals for Diseases of the Chest and the Board of Governors of the National Heart Hospital.

(2) The Interpretation Act 1889(d) shall apply to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(a) S.I. 1957/488 (1957 I, p. 1452).
(b) S.I. 1959/766, 1966/277 (1959 I, p. 1821; 1966 I, p. 745).
(c) 1946 c. 81.
(d) 1889 c. 63.

3.—(1) A Board of Governors is hereby constituted for the National Heart and Chest Hospitals for the purpose of exercising functions with respect to the administration of that hospital, and Part III of Schedule 3 to the Act shall have effect in relation to that Board.

(2) On the appointed day the old Boards shall be dissolved.

4.—(1) In Schedule 1 to the National Health Service (Designation of London Teaching Hospitals) Order 1957 as amended (which schedule lists the designated London teaching hospitals), the entries relating to The Hospitals for Diseases of the Chest and to The National Heart Hospital shall be deleted and at the end of the schedule there shall be inserted—

(*a*) in column 1, the words "The National Heart and Chest Hospitals", and

(*b*) in column 2, the words "The National Heart Hospital, W.1", "The Brompton Hospital, S.W.3 (including the Brompton Hospital, Frimley, Hants)" and "The London Chest Hospital, E.2".

(2) In the National Health Service (Constitution of Boards of Governors of Teaching Hospitals (No. 2) Order, 1948(**a**), the entries relating to The Hospitals for Diseases of the Chest and to the National Heart Hospital shall be deleted.

5. All officers of the old Boards employed immediately before the appointed day at or for the purposes of any hospital managed by either of those Boards shall on that day and in respect of that employment, be transferred to and become officers of the new Board.

6. On the appointed day there shall be transferred to and vest without further conveyance in the new Board—

(*a*) any property held immediately before the appointed day by either of the old Boards—

(i) under section 59 of the Act, for the purposes of any hospital or hospitals managed by them;

(ii) under section 60 of the Act, so far as practicable, for the purposes of any such hospital or hospitals; and

(*b*) any other property held by either of the old Boards and any rights and liabilities to which either of them was entitled or subject immediately before the appointed day.

7. Any action or proceeding or any cause of action or proceeding, pending or existing at the appointed day, by, or against, an old Board in respect of any property right or liability in connection with any hospital managed by that Board immediately prior to the appointed day shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the new Board.

8. The new Board shall be responsible for closing the accounts of the old Boards, and, with respect to those accounts, references in regulation 13 of the National Health Service (Hospital Accounts and Financial Provisions) Regulations 1969(**b**) to "the chief financial officer" and "the hospital authority" shall be deemed to be references to the chief financial officer of the new Board and to the new Board as the case may require.

(**a**) This order was not published in the S.I. series.
(**b**) S.I. 1969/1582 (1969 III, p. 5051).

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

J. S. Orme,
Under Secretary,
Department of Health and Social Security.

8th March 1971.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the setting up of the Board of Governors of the National Heart and Chest Hospitals to take over, on 1st April 1971 the management and control of the hospitals managed before that date by the Board of Governors of the Hospitals for Diseases of the Chest and the Board of Governors of the National Heart Hospital respectively, and for consequential matters, including the change of name of The Hospital for Consumption and Diseases of the Chest, S.W.3. to The Brompton Hospital, S.W.3.