STATUTORY INSTRUMENTS

1974 No. 281

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Preservation of Boards of Governors) Order 1974

Made - - -	*22nd February* 1974
Laid before Parliament	*7th March* 1974
Coming into Operation	*31st March* 1974

The Secretary of State for Social Services in exercise of powers conferred upon him by section 15(1) (2) and (3) of the National Health Service Reorganisation Act 1973**(a)** and of all other powers enabling him in that behalf, after consultation with the University of London and the Boards of Governors of the teaching hospitals mentioned in Schedule 1 to this order, hereby makes the following order:—

Citation, duration and interpretation

1.—(1) This order may be cited as The National Health Service (Preservation of Boards of Governors) Order 1974 and shall come into operation on 31st March 1974.

(2) Unless previously revoked this order shall cease to have effect on the expiration of 5 years beginning with the date on which it is made.

(3) In this order "the Act" means the National Health Service Reorganisation Act 1973.

(4) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889**(b)** shall apply for the purposes of the interpretation of this order as they apply for the purposes of the interpretation of an Act of Parliament.

Preservation of certain Boards of Governors of teaching hospitals

2. Section 14 (Abolition of Authorities) of the Act shall, while this order is in force, not apply to any Board of Governors of a teaching hospital mentioned in Schedule 1 to this order.

(a) 1973 c. 32. (b) 1889 c. 63.

Scope of Order

3. The following provisions have effect in relation to a preserved Board and any person, thing, right, liability or other matter whatsoever connected with a preserved Board.

Repeals and amendments not to apply

4. So much of section 57(1) and (2) of, and Schedules 4 and 5 to, the Act as repeals or amends enactments specified in Schedule 2 to this order shall not apply.

Modification of enactments otherwise repealed or amended

5. The enactments set out in column 1 in Schedule 3 to this order which are repealed or amended by the Act shall have effect with such modifications as are specified in column 2 of that schedule.

Provisions of Act to have effect with modifications

6. The enactments specified in column 1 of Schedule 4 to this order shall have effect with such modifications as are specified in column 2 of that schedule.

Keith Joseph,

Secretary of State for Social Services.

22nd February 1974.

Article 2

SCHEDULE 1

TEACHING HOSPITALS OF WHICH THE BOARDS OF GOVERNORS ARE PRESERVED

The Hospitals for Sick Children
The National Hospitals for Nervous Diseases
The Royal National Throat, Nose and Ear Hospital
The Moorfields Eye Hospital
The Bethlem Royal Hospital and the Maudsley Hospital
St. John's Hospital for Diseases of the Skin
The Royal National Orthopaedic Hospitals
The National Heart and Chest Hospitals
St. Peter's Hospitals
The Royal Marsden Hospital
Queen Charlotte's Hospital for Women
The Eastman Dental Hospital

Article 4

SCHEDULE 2

REPEALS AND AMENDMENTS NOT TO APPLY.

THE PUBLIC HEALTH ACT 1936**(a)**

Section 169(1)	Removal to Hospital of Person suffering from Notifiable Disease
Section 244	Removal to Hospital of Person in Common Lodging House suffering from Notifiable Disease

THE NATIONAL HEALTH SERVICE ACT 1946**(b)**

Section 3(1)	Provision of hospital and specialist services
Section 7(1), (2), (3), (7), (8)(*a*), (9), (10) and (11)(*a*)	Endowments of Voluntary Hospitals vesting in Boards of Governors
Section 11(8) and (10)	Designation of teaching hospitals
Section 12(3)	Duties of Boards of Governors
Section 13	Legal Status of Boards of Governors
Section 14, as amended by section 9(1) of the Health Services and Public Health Act 1968**(c)**	Employment of Officers
Section 16(2)	Research
Section 54(1)(*b*)	Payments to Boards of Governors
Section 55(2), as amended by section 28(3) of the Health Services and Public Health Act 1968, and (4)	Accounts
Section 60	Power of Trustees to make payments to Boards of Governors
Section 62	Provision of Special Schools
Section 66, as amended by section 12 of the National Health Service (Amendment) Act 1949**(d)**	Qualifications and terms of service of officers
Section 72	Protection of members and officers
Schedule 3 Part IV, as amended by section 29 of, and Schedule 1 to, the National Health Service (Amendment) Act 1949 and section 78(2) of, and Schedule 4 to, the Health Services and Public Health Act 1968	Supplementary provisions relating to Boards of Governors

THE NATIONAL HEALTH SERVICE (AMENDMENT) ACT 1949

Section 18(4)	Superannuation of officers
Section 25(2), as substituted by Schedule 7 to the Mental Health Act 1959**(e)**	Payment to officers of Boards of Governors

(a) 1936 c. 49. **(b)** 1946 c. 81. **(c)** 1968 c. 46. **(d)** 1949 c. 93. **(e)** 1959 c. 72.

THE NATIONAL HEALTH SERVICE ACT 1952**(a)**

Section 7(6)	Reduction of sums otherwise payable by Boards of Governors to persons who may recover charges

THE LANDLORD AND TENANT ACT 1954**(b)**

Section 57(6)	Protection of Government Departments and Local Authorities applied to hospitals

THE NURSES ACT 1957**(c)**

Section 13(1)	Expenditure for the purposes of training nurses
Section 14	Exclusion of right to receive contributions towards training of nurses
Section 33(1)	Definition of Boards of Governors and teaching hospital

THE MENTAL HEALTH ACT 1959

Section 59(1)(*a*)	Definition of "the Managers"

THE RADIO-ACTIVE SUBSTANCES ACT 1960**(d)**

Section 14(1)	Application of Acts to the Crown

THE REDUNDANCY PAYMENTS ACT 1965**(e)**

Schedule 3 Paragraph 2	Reference to Board of Governors of a teaching hospital

THE BUILDING CONTROL ACT 1966**(f)**

Section 5(1)	Reference to body corporate constituted under section 11 of the National Health Service Act 1946

THE PARLIAMENTARY COMMISSIONER ACT 1967**(g)**

Schedule 3 Paragraph 8	Action on behalf of Secretary of State by Board of Governors of a teaching hospital not subject to investigation

THE LEASEHOLD REFORM ACT 1967**(h)**

Section 28(5)(*d*) and (6)(*c*)	Application to Boards of Governors

(a) 1952 c. 25. **(b)** 1954 c. 56. **(c)** 1957 c. 15. **(d)** 1960 c. 34.
(e) 1965 c. 62. **(f)** 1966 c. 27. **(g)** 1967 c. 13. **(h)** 1967 c. 88.

THE HEALTH SERVICES AND PUBLIC HEALTH ACT 1968

Section 6	Power of Board of Governors to administer services outside hospital
Section 29(1)	Regulation of financial arrangements
Section 34	Superannuation of officers of private hospitals used by the Board of Governors
Section 36(1)(*a*)(ii)	Payment of travelling and other allowances
Section 63(1)(*a*), (4) and so much of paragraph (8) as provides that "Board of Governors of a teaching hospital" has the same meaning as in the National Health Service Act 1946	Instruction of officers

THE POST OFFICE ACT 1969**(a)**

Section 86(1)	So much of paragraph (*a*) of the definition of national health service authority as refers to the Board of Governors of a teaching hospital

THE ROAD TRAFFIC ACT 1972**(b)**

Section 156(1)(*b*), (2)(*a*) and (3)	Payments for treatment

(a) 1969 c. 48. **(b)** 1972 c. 20.

Article 5

SCHEDULE 3

MODIFICATION OF ENACTMENTS OTHERWISE REPEALED OR AMENDED

THE NATIONAL HEALTH SERVICE ACT 1946 Section 57(1), amended by paragraph 32 of Schedule 4 to the Act	The amended provision shall have effect as if references to a Regional Health Authority included references to a preserved Board
Schedule 3 Part III, repealed by Schedule 5 to the Act	The provision shall not be repealed but shall have effect as if for the words "Regional Hospital Board for the area" there were substituted the words "Regional Health Authority for the region"
THE NATIONAL ASSISTANCE ACT 1948**(a)** Section 21(7)(*c*), amended by paragraph 44 of Schedule 4 to the Act	The amended provision shall have effect as if it included a reference to a Board of Governors of a teaching hospital
THE NURSES ACT 1957 Section 11(2)(*c*)(ii), amended by paragraph 71(2) of Schedule 4 to the Act	The amended provision shall have effect as if for sub-section 2(*c*)(ii) there were substituted the words "(2)(*c*)(ii) Boards of Governors of teaching hospitals situated in the region"
Section 16 amended by paragraph 75 of Schedule 4 to the Act	The provision as amended shall have effect as if it included a reference to a Board of Governors of a teaching hospital situated in the region
Section 33(2), repealed by Schedule 5 to the Act	The provision shall not be repealed but shall have effect as if for the word "areas" there was substituted the word "regions"
Schedule 2, paragraph 1(b) (Appointments by Boards of Governors), amended by paragraph 78(2) of Schedule 4 to the Act	The provision as amended shall have effect as if it included a reference to persons appointed by Boards of Governors of teaching hospitals situated in the region
THE PUBLIC RECORDS ACT 1958**(b)** Schedule 1 as amended by paragraph 82 of Schedule 4 to the Act	The amended provision shall have effect as if references to Regional Health Authorities included references to preserved Boards
THE LOCAL GOVERNMENT ACT 1972**(c)** Section 113(1A) (placing officers at the disposal of other authorities) added by paragraph 151(1) of Schedule 4 to the Act	The provision as added shall have effect as if references to a Regional Health Authority included references to a Board of Governors of a teaching hospital

(a) 1948 c. 29. **(b)** 1958 c. 51. **(c)** 1972 c. 70.

Article 6

SCHEDULE 4

PROVISIONS OF ACT TO HAVE EFFECT WITH MODIFICATIONS

PROVISIONS OF THE ACT	MODIFICATIONS
Section 11 (Supply of goods and services by the Secretary of State)	References to a Health Authority shall include references to a preserved Board
Section 12 (Supply of goods and services by Local Authorities)	
Section 13 (Facilities for Voluntary Organisations and other bodies)	
Section 26(1) (Power to make transfers of trust property)	
Section 29(2) (Power of Special Trustees to hold trust property)	References to Special Trustees shall include references to preserved Boards
Section 45 (Overseas Aid)	The reference to an Area Health Authority shall include a reference to a preserved Board

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order preserves from abolition under section 14 of the National Health Service Reorganisation Act 1973 the Boards of Governors of the Teaching Hospitals specified in Schedule 1 (Article 2 of the Order) and applies in relation to these preserved Boards various statutory provisions with or without modification (Articles 4 to 6 and Schedules 2, 3 and 4).

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