STATUTORY INSTRUMENTS

1981 No. 1847

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Transfer of Officers) Regulations 1981

Made - - - -	22*nd December* 1981
Laid before Parliament	15*th January* 1982
Coming into Operation	5*th February* 1982

The Secretary of State for Social Services, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of powers conferred upon them by section 12 of, and paragraph 10(2) of Schedule 5(**a**) to, the National Health Service Act 1977(**b**), and of all other powers enabling them in that behalf, after consulting such bodies as they have recognised as representing persons who in their opinion are likely to be affected by the regulations, hereby make the following regulations:—

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Transfer of Officers) Regulations 1981 and shall come into operation on 5th February 1982.

(2) In these regulations unless the context otherwise requires—

"Authority" means a health authority or a preserved Board;

"preserved Board" has the meaning given by the National Health Service Reorganisation Act 1973(**c**).

Transfer of Officers

2.—(1) Where, before 1st April 1985, it is agreed between an officer of an Authority, that Authority (in this regulation referred to as "the employing Authority") and another Authority that the officer should be transferred to the employment of that other Authority, the employing Authority shall give notice to the officer that he will be transferred to the employment of that other Authority on the date specified in the notice and such transfer shall take effect on the date specified in the notice.

(2) Where, before 1st April 1985, the employing Authority, after consultation with an officer whom it employs and another Authority, considers that it would be in the interests of the health service that the officer should be transferred to the employment of that other Authority, the employing

(**a**) Section 12 and paragraph 10(2) of Schedule 5 were applied to preserved Boards of teaching hospitals by the National Health Service (Preservation of Boards of Governors) Amendment Order 1981 (S.I. 1981/1548).
(**b**) 1977 c.49.
(**c**) 1973 c.32.

Authority shall give notice in writing to the officer that he will be transferred to the employment of that other Authority and such transfer shall take effect on the date specified in the notice, being a date not less than one month from and including the date of service of the notice upon the officer or such shorter period as the employing Authority and the officer may agree.

(3) An officer of an Authority may be transferred to the employment of another Authority under these regulations notwithstanding that he was transferred to the employment of that Authority under these regulations, Article 4 of the National Health Service (Determination of Districts) Order 1981(**a**) or an order made under section 18 of the National Health Service Reorganisation Act 1973(**b**).

Notices

3. Any notice required to be served under these regulations upon an officer shall state that it is served for the purposes of these regulations and shall contain particulars of any rights of appeal or representations available in relation to that notice to the officer to whom the notice is addressed which are contained in two agreements by the General Whitley Council for the Health Service in respect of England and Wales respectively and approved by the Secretary of State under the National Health Service (Remuneration and Conditions of Service) Regulations 1974(**c**) on 18th August 1981 and 23rd November 1981.

Consequential provisions

4.—(1) Where an officer is transferred to the employment of an Authority under regulation 2 of these regulations the contract of employment between such officer and the Authority by which he was employed immediately before the transfer took effect shall be modified so as to substitute as the employer the Authority to which he is transferred.

(2) Any right or liability which was enforceable by or against an Authority in respect of the employment by such Authority of any officer who is transferred to another Authority by virtue of regulation 2 of these regulations shall be enforceable by or against the Authority to which the officer is transferred.

Preservation of training arrangements

5. Where arrangements have been made by an Authority from which an officer is transferred under regulation 2 of these regulations and under those arrangements the officer so transferred is undergoing, or is to undergo, a course of training or has entered, or is going to enter, into an apprenticeship and those arrangements have not been discharged before the officer is transferred under that regulation, those arrangements shall continue to apply with the substitution for the Authority from which the officer is transferred of the Authority to whose employment he is transferred by virtue of that regulation.

Norman Fowler,
Secretary of State for Social Services.

30th November 1981.

Nicholas Edwards,
Secretary of State for Wales.

22nd December 1981.

(**a**) S.I.1981/1837. (**b**) 1973 c.32. (**c**) S.I.1974/296.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision for officers employed by health authorities established under the National Health Service Act 1977 and Boards of Governors of teaching hospitals constituted under the National Health Service Act 1946 (c. 81) to be transferred to the employment of other authorities or Boards with their consent or in the interests of the National Health Service.

SI 1981/1847
ISBN 0-11-017847-5

