STATUTORY INSTRUMENTS

1983 No. 304

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Preservation of Boards of Governors) Order 1983

Made - - - -	*3rd March* 1983
Laid before Parliament	*11th March* 1983
Coming into Operation	*1st April* 1983

The Secretary of State for Social Services, in exercise of powers conferred on him by section 15(1), (2), (3) and (5A) 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 Queen Charlotte's Hospital for Women and the Eastman Dental Hospital, 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 1983 and shall come into operation on 1st April 1983.

(2) Unless previously revoked this order shall cease to have effect on 1st April 1984.

(3) In this order—

"the Act of 1973" means the National Health Service Reorganisation Act 1973;

"the Act of 1977" means the National Health Service Act 1977.

Preservation of certain Boards of Governors of teaching hospitals

2. Section 14 of the Act of 1973 (abolition of authorities) shall, while this order is in force, not apply to the Board of Governors of Queen Charlotte's Hospital for Women and the Board of Governors of the Eastman Dental Hospital.

Scope of order

3. The following provisions of this order have effect in relation to a

(**a**) 1973 c. 32; section 15(3) was extended by the Health Services Act 1980 (c. 53), section 6(2), and section 15(5A) was added by the National Health Service Act 1977 (c. 49), section 129 and Schedule 15, paragraph 59.

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 of 1973 as repeals or amends enactments specified in Schedule 1 to this order shall not apply.

Modification of enactments otherwise repealed or amended

5. The enactments set out in column 1 of Schedule 2 to this order which are otherwise repealed or amended by the Act of 1973 shall have effect with such modifications as are specified in column 2 of that Schedule.

Provisions of enactments to have effect with modifications

6. The enactments specified in column 1 of Schedule 3 to this order shall have effect with such modifications as are specified in column 2 of that Schedule.

Norman Fowler,
Secretary of State for Social Services.

3rd March 1983.

SCHEDULE 1 Article 4

REPEALS AND AMENDMENTS NOT TO APPLY

Column 1	Column 2
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 RADIOACTIVE SUBSTANCES ACT 1960(d)

Section 14(1)	Application of Acts to the Crown

THE BUILDING CONTROL ACT 1966(e)

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

THE PARLIAMENTARY COMMISSIONER ACT 1967(f)

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(g)

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) 1966 c. 27.
(f) 1967 c. 13.
(g) 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 Boards of Governors
Section 36(1)(a)(ii)	Payment of travelling and other allowances
Section 63(1)(a), (4) and so much of subsection (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

SCHEDULE 2 Article 5

MODIFICATION OF ENACTMENTS OTHERWISE REPEALED OR AMENDED

Column 1	Column 2
THE NATIONAL HEALTH SERVICE ACT 1946	
Section 57(1), (default powers of Secretary of State) amended by paragraph 32 of Schedule 4 to the Act of 1973	The amended provision shall have effect as if references to a Regional Health Authority included references to a preserved Board
Schedule 3 Part III, (constitution of Boards of Governors of teaching hospitals) repealed by Schedule 5 to the Act of 1973	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(c)	
Section 21(7)(c), (arrangements for the provision of local health services) amended by paragraph 44 of Schedule 4 to the Act of 1973	The amended provision shall have effect as if it included a reference to a Board of Governors of a teaching hospital

(a) 1969 c. 48.
(b) 1972 c. 20.
(c) 1948 c. 29.

THE NURSES ACT 1957

Section 11(2)(c)(ii), (duties of area nurse-training committees) amended by paragraph 71(2) of Schedule 4 to the Act of 1973	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 (settlement of disputes as respects discharge of area nurse-training committees' functions) amended by paragraph 75 of Schedule 4 to the Act of 1973	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) (interpretation), repealed by Schedule 5 to the Act of 1973	The provision shall not be repealed but shall have effect as if for the word "areas" there were substituted the word "regions"
Schedule 2, paragraph 1(b) (appointments by Board of Governors), amended by paragraph 78(2) of Schedule 4 to the Act of 1973	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(a)

Schedule 1, (definition of public records) as amended by paragraph 82 of Schedule 4 to the Act of 1973	The amended provision shall have effect as if references to Regional Health Authorities included references to preserved Boards

THE LOCAL GOVERNMENT ACT 1972(b)

Section 113(1A) (placing officers at the disposal of other authorities), added by paragraph 151(1) of Schedule 4 to the Act of 1973	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

THE ACT OF 1977

Sections 97 (means of meeting expenditure of health authorities out of public funds) and 97A (financial duties of health authorities) (which sections are substituted for section 97 of the Act of 1977(c) by section 6(1) of the Health Services Act 1980(d))	References to a Regional Health Authority shall include references to a preserved Board(e) and references to a health authority or an authority shall as the context may require be construed accordingly

(a) 1958 c. 51.
(b) 1972 c. 70.
(c) 1977 c. 49.
(d) 1980 c. 53.
(e) *See* the National Health Service Reorganisation Act 1973 (c. 32), section 15(6).

SCHEDULE 3 Article 6

PROVISIONS OF ENACTMENTS TO HAVE EFFECT WITH MODIFICATIONS

Column 1 PROVISIONS OF ENACTMENTS	Column 2 MODIFICATIONS
Provisions of the Act of 1973	
Section 26(1) (power to make transfers of trust property)	References to a health authority shall include references to a preserved Board
Section 29(2) (power of Special Trustees to hold trust property)	References to Special Trustees shall include references to preserved Boards
Provisions of the Act of 1977	
Section 12 (supplementary provisions) Section 13 (Secretary of State's directions)	The reference to a Regional Health Authority shall include a reference to a preserved Board
Section 23 (voluntary organisations and other bodies) Section 24 (overseas aid) Section 26 (supply of goods and services by Secretary of State) Section 27 (conditions of supply under section 26) Section 28 (supply of goods and services by local authorities)	References to a health authority shall include references to a preserved Board
Schedule 5, paragraphs 10(2) and 11(1) (transfer of staff)	References to an authority shall include references to a preserved Board

EXPLANATORY NOTE

(This Note is not part of the Order.)

This order takes effect upon the expiration of the National Health Service (Preservation of Boards of Governors) Order 1982 (S.I. 1982/201), which ceases to have effect on 1st April 1983. It preserves from abolition under section 14 of the National Health Service Reorganisation Act 1973 the Boards of Governors of Queen Charlotte's Hospital for Women and the Eastman Dental Hospital for a further period until 1st April 1984 and applies to those preserved Boards various statutory provisions with or without modification (Articles 4 to 6 and Schedules).

SI 1983/304
ISBN 0-11-036304-3

