STATUTORY INSTRUMENTS

1986 No. 331

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The National Health Service (Transfer of Officers) Regulations 1986

Made - - - -	*25th February* 1986
Laid before Parliament	*3rd March* 1986
Coming into Operation	*24th March* 1986

The Secretary of State for Social Services, in exercise of powers conferred upon him by paragraph 10(2) of Schedule 5 to the National Health Service Act 1977(**a**), and of all other powers enabling him in that behalf, and after consultation in accordance with paragraph 11(1) of the said Schedule with bodies recognised by him as representing persons who in his opinion are likely to be affected by the regulations, hereby makes the following regulations.

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the National Health Service (Transfer of Officers) Regulations 1986 and shall come into operation on 24th March 1986.

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

"Authority" means a health authority or a Family Practitioner Committee.

Transfer of Officers

2. Where, in pursuance of a directive by the Secretary of State or otherwise, including any arrangement between Authorities, the exercise of any function is to be transferred from an Authority ("the employing authority") to another Authority and the employing authority considers that as a consequence any officer in its employment who is engaged in the performance of such functions would be similarly engaged if he were transferred to the employment of that other Authority the employing 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.

(**a**) 1977 c. 49; paragraph 10(2) of Schedule 5 was modified by the Family Practitioner Committees (Consequential Modifications) Order 1985 (S.I. 1985/39), article 7(22)(*a*).

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 which may be available in relation to that notice to the officer to whom the notice is addressed under any agreement for the time being applicable and approved by the Secretary of State under the National Health Service (Remuneration and Conditions of Service) Regulations 1974(**a**).

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.

Revocation of the National Health Service (Transfer of Officers) Regulations 1981

6. The National Health Service (Transfer of Officers) Regulations 1981(**b**) are hereby revoked.

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

Barney Hayhoe,
Minister of State,
Department of Health and Social Security.

25th February 1986.

(**a**) S.I. 1974/296; the relevant amending and modifying instruments are S.I. 1982/288 and 1985/39.
(**b**) S.I. 1981/1847.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations make provision for officers employed by health authorities and Family Practitioner Committees established under the National Health Service Act 1977 to be transferred to the employment of other authorities or Family Practitioner Committees where there has been a transfer of the exercise of functions between two such bodies (regulation 2). They also make provision for notice to be given to an officer of any rights of appeal or representations available to him under any applicable agreement (regulation 3); for the contract of employment to be modified and for the transfer from one authority to the other of any right or liability in respect of the employment (regulation 4). In addition the regulations provide for any arrangements for training before the officer is transferred to be continued (regulation 5).

The regulations also revoke the National Health Service (Transfer of Officers) Regulations 1981 which ceased to have effect on 31st March 1985 (regulation 6).

SI 1986/331
ISBN 0-11-066331-4

