Statutory Instrument 2006 No. 1408

The Strategic Health Authorities (Establishment and Abolition) (England) Order 2006

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STATUTORY INSTRUMENTS

2006 No. 1408

NATIONAL HEALTH SERVICE, ENGLAND

The Strategic Health Authorities (Establishment and Abolition) (England) Order 2006

Made	*25th May 2*
Laid before Parliament	*2nd June 2*
Coming into force	*1st July 2*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 8(1), (2), (3), (4), (7) and (8) and section 126(3) and (4) of the National Health Service Act 1977[1]. She is satisfied that consultation has taken place in accordance with regulations made under section 8(5) of that Act[2].

Citation, commencement and interpretation

1. —(1) This Order may be cited as the Strategic Health Authorities (Establishment and Abolition) (England) Order 2006 and shall come into force on 1st July 2006.

(2) In this Order—

"new authorities" means the Strategic Health Authorities established by article 2;
"old authorities" means the Strategic Health Authorities abolished by article 3; and
"relevant new authority" means, in relation to any old authority specified in column (1) of Schedule 2, the new authority which is specified in column (2) of that Schedule in relation to that old authority.

Establishment, names and areas of the new authorities

2. For each of the areas described in column (2) of Schedule 1 there is established a Strategic Health Authority which shall be known by the name specified in column (1) of that Schedule in relation to that area.

Abolition of Strategic Health Authorities

3. The Strategic Health Authorities listed in column (1) of Schedule 2 are abolished.

Transfer of property, rights and liabilities

4. —(1) Any right that was, immediately before 1st July 2006, enforceable by or against any old authority shall on and after that date be enforceable by or against the relevant new authority.

(2) All the property, rights and liabilities of the old authorities which are not mentioned in article 5 are transferred in each case from the old authority to the relevant new authority.

(3) In paragraph (2), "property" includes the trust property held by the Hampshire and Isle of Wight Strategic Health Authority, and "rights and liabilities" includes any rights and liabilities in relation to that property.

Transfer of staff

5. —(1) This article applies in relation to any person who was an employee of an old authority immediately before 1st July 2006.

(2) Each contract of employment between each old authority and its employees shall have effect on and after 1st July 2006 as if originally made between those employees and the relevant new authority.

(3) Without prejudice to paragraph (2)—

(a) all the rights, powers, duties and liabilities of each old authority under or in connection with a contract to which that paragraph applies shall, by virtue of this article, be transferred to the relevant new authority on 1st July 2006;

(b) anything done before 1st July 2006 by or in relation to the old authority in respect of that contract or those employees shall be deemed from that date to have been done by or in relation to the relevant new authority.

(4) Paragraphs (2) and (3) are without prejudice to any right of any employee to terminate his contract of employment if a substantial and detrimental change is made to that employee's working conditions, but no such right shall arise by reason only of the change of employer effected by this article.

(5) Paragraphs (2) and (3) do not transfer an employee's contract of employment, or the rights, powers, duties and liabilities under or in connection with it, if that employee has objected to the transfer to the relevant new authority and has informed the old authority of that objection on or before 30th June 2006.

(6) Where an employee has informed an old authority of his objection as mentioned in paragraph (5), his contract of employment with the old authority shall be terminated immediately before the date on which the transfer would occur, but he shall not be treated, for any purpose, as having been dismissed from that old authority.

Accounts of old authorities

6. Any duty imposed on any of the old authorities pursuant to section 98 of the National Health Service Act 1977[3], but not performed by 1st July 2006, shall be performed by the relevant new authority.

Winding up of affairs of old authorities

7. It is the duty of each new authority to take such action as may be necessary for the winding up of the affairs of any old authority in relation to which it is the relevant new authority.

Provision for continuity in the exercise of functions

8. —(1) Anything done before 1st July 2006 by or in relation to any of the old authorities shall be treated on and after that date as if done by or in relation to the relevant new authority.

(2) The reference in paragraph (1) to anything done by or in relation to any of the old authorities includes without limitation any applications made, any authorisations, directions or notices given, and any complaints made, to, by or in relation to any of the old authorities.

(3) Any instrument made by any of the old authorities continues in force in relation to the relevant new authority in accordance with its terms until it is varied or revoked by the relevant new authority.

(4) So far as is necessary or appropriate, a reference in an agreement or other instrument to any of the old authorities shall be treated on and after 1st July 2006 as a reference to the relevant new authority.

Revocation

9. The Orders specified in Schedule 3 are revoked.

Signed by authority of the Secretary of State for Health

Warner
Minister of State, Department of Health

25th May 2006

SCHEDULE 1

Article 2

The new authorities

Column (1)	*Column (2)*
Name of new Strategic Health Authority	*Area*
East Midlands Strategic Health Authority	County of Derby County of Derbyshire County of Leicester County of Leicestershire County of Lincolnshire County of Northamptonshire County of Nottingham County of Nottinghamshire County of Rutland
East of England Strategic Health	County of Bedfordshire

Authority	County of Cambridgeshire County of Essex County of Hertfordshire County of Luton County of Norfolk County of Peterborough County of Southend-on-Sea County of Suffolk County of Thurrock
London Strategic Health Authorit	Greater London
North East Strategic Health Authority	County of Darlington County of Durham County of Hartlepool County of Middlesbrough County of Northumberland County of Redcar and Cleveland County of Stockton-on-Tees County of Tyne and Wear
North West Strategic Health Authority	County of Blackburn with Darwen County of Blackpool County of Cheshire County of Cumbria County of Greater Manchester County of Halton

	County of Lancashire County of Merseyside County of Warrington
South Central Strategic Health Authority	County of Berkshire County of Buckinghamshire County of Hampshire County of Isle of Wight County of Milton Keynes County of Oxfordshire County of Portsmouth County of Southampton
South East Coast Strategic Health Authority	County of Brighton and Hove County of East Sussex County of Kent County of Medway County of Surrey County of West Sussex
South West Strategic Health Authority	County of Bath and North East Somerset County of Bournemouth County of the City of Bristol County of Cornwall County of Devon County of Dorset County of Gloucestershire County of North West Somerset

	County of Plymouth County of Poole County of Somerset County of South Gloucestershire County of Swindon County of Torbay County of Wiltshire Isles of Scilly
West Midlands Strategic Health Authority	County of Herefordshire County of Shropshire County of Staffordshire County of Stoke-on-Trent County of The Wrekin County of Warwickshire County of West Midlands County of Worcestershire
Yorkshire and the Humber Strate Health Authority	County of the City of Kingston upon Hull County of the East Riding of Yorkshire County of North East Lincolnshire County of North Lincolnshire County of North Yorkshire County of South Yorkshire County of West Yorkshire

	County of York

SCHEDULE 2

Article 3

The old authorities

Column (1)	*Column (2)*
Name of old authority	*Name of relevant new authori*
Avon, Gloucestershire and Wiltshire Strategic Health Authority	South West Strategic Health Authority
Bedfordshire and Hertfordshire Strategic Health Authority	East of England Strategic Hea Authority
Birmingham and the Black Country Strategic Health Authority	West Midlands Strategic Heal Authority
Cheshire and Merseyside Strategic Health Authority	North West Strategic Health Authority
County Durham and Tees Valley Strategic Heal Authority	North East Strategic Health Authority
Cumbria and Lancashire Strategic Health Autho	North West Strategic Health Authority
Dorset and Somerset Strategic Health Authority	South West Strategic Health Authority
Essex Strategic Health Authority	East of England Strategic Hea Authority
Greater Manchester Strategic Health Authority	North West Strategic Health Authority
Hampshire and Isle of Wight Strategic Health Authority	South Central Strategic Healt Authority
Kent and Medway Strategic Health Authority	South East Coast Strategic He Authority
Leicestershire, Northamptonshire and Rutland Strategic Health Authority	East Midlands Strategic Healt Authority
Norfolk, Suffolk and Cambridgeshire Strategic Health Authority	East of England Strategic Hea Authority

North and East Yorkshire and Northern Lincolnshire Strategic Health Authority	Yorkshire and the Humber Strategic Health Authority
North Central London Strategic Health Authorit	London Strategic Health Authority
North East London Strategic Health Authority	London Strategic Health Authority
North West London Strategic Health Authority	London Strategic Health Authority
Northumberland, Tyne and Wear Strategic Heal Authority	North East Strategic Health Authority
Shropshire and Staffordshire Strategic Health Authority	West Midlands Strategic Heal Authority
South East London Strategic Health Authority	London Strategic Health Authority
South West London Strategic Health Authority	London Strategic Health Authority
South West Peninsula Strategic Health Authorit	South West Strategic Health Authority
South Yorkshire Strategic Health Authority	Yorkshire and the Humber Strategic Health Authority
Surrey and Sussex Strategic Health Authority	South East Coast Strategic He Authority
Thames Valley Strategic Health Authority	South Central Strategic Healt Authority
Trent Strategic Health Authority	East Midlands Strategic Heal Authority
West Midlands South Strategic Health Authorit	West Midlands Strategic Heal Authority
West Yorkshire Strategic Health Authority	Yorkshire and the Humber Strategic Health Authority

SCHEDULE 3

Article 9

Revocations

(1) Order	*(2) Referenc*
The Health Authorities (Establishment and Abolition) (England) Ord 2002	2002/55
The Health Authorities (Establishment and Abolition) (England) (Amendment) Order 2004	2004/37

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abolishes on 1st July 2006 the Strategic Health Authorities listed in column (1) of Schedule 2 to the Order ("the old authorities"). It establishes in their place, and for the areas described in column (2) of Schedule 1 to the Order, the new Strategic Health Authorities listed in column (1) of that Schedule ("the new authorities") (articles 2 and 3). It identifies a successor Strategic Health Authority for each of the old authorities, defined in the Order as the "relevant new authority", and lists these bodies in Schedule 2.

The Order also provides for the transfer of property, rights, liabilities and staff from the old authorities to the new authorities (articles 4 and 5), for the accounts and the winding up of the affairs of the old authorities (articles 6 and 7) and for the continuity of the exercise of functions between the old authorities and the new authorities (article 8). The Order also revokes the orders listed in Schedule 3 (article 9).

A full regulatory impact assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies.

Notes:

[1] 1977 c.49; section 8 was substituted by section 1(2) of the National Health Service Reform and Health Care Professions Act 2002 (c.17) ("the 2002 Act"); section 126(3) was amended by section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46) ("the 1997 Act") and by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) ("the 1990 Act"); section 126(4) was amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4, 37(1) and (6) of Schedule 4 to, the Health Act 1999 (c.8) ("the 1999 Act"), section 67(1) of, and paragraphs 5(1) and (13)(b) of Schedule 5 to, the Health and Social Care Act 2001 (c.15), sections 6(3)(c) and 37(1) of, and paragraphs 1 and 10(a) of Schedule 8 to, the 2002 Act and by sections 184 and 196 of, paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43) ("the 2003 Act").back

[2] Strategic Health Authorities (Consultation on Changes) Regulations (S.I. 2003/1617).back

[3] Section 98 was amended by section 12 of, and paragraph 3 of Schedule 5 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), sections 6 and 24 of, and Part 1 of Schedule 8 to, the Health and Social Security Act 1984 (c.48), section 12 of the Health and Medicines Act 1988 (c.49), sections 5, 11(7), 20(2) and 66(2) of, paragraph 24(2) of Schedule 2 to, and Schedule 10 to, the 1990 Act, sections 2(1) and 5(1) of, paragraphs 50(a) and (d) of Schedule 1 to, and Schedule 3 to, the Health Authorities Act 1995 (c.17), section 65 of, paragraphs 4 and 33 of Schedule 4 to, and Schedule 5 to, the 1999 Act, article 3(1) of, and paragraphs 13(1) and (6) of Schedule 1 to, the Health Act 1999 (Supplementary, Consequential etc Provisions) Order 2000/90, sections 1(3) and 6(2) of, paragraphs 1 and 29 of Schedule 1 to, and paragraphs 4 and 21 of Schedule 5 to, the 2002 Act, sections 184 and 196 of, paragraphs 7 and 33 of Schedule 11 to, and Part 4 of Schedule 14 to, the 2003 Act, section 7 of, paragraph 4 of Schedule 3 to, and Schedule 4 to, the Health (Wales) Act 2003 (c.4), article 2(2) of, and paragraph 1 of Schedule 2 to, the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2003/1324, section 66 of, and paragraph 2 of Schedule 2 to, the Public Audit (Wales) Act 2004 (c.23), article 2(2) of, and paragraph 1 of Schedule 2 to, the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order 2004/1714 and by article 2 of the Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005/1074.back

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