WELSH STATUTORY INSTRUMENTS

2003 No. 818 (W.103)

NATIONAL HEALTH SERVICE, WALES

The Local Health Boards (Transfer of Staff) (Wales) Order 2003

Made - - - - 19th March 2003

Coming into force - - 1st April 2003

The National Assembly for Wales, in exercise of the powers conferred by section 126(1) and (4) of the National Health Service Act 1977(**1**), and paragraph 22(1) to Schedule 5B to that Act, which are exercisable by it in relation to Wales(**2**), and having undertaken full consultation in relation to each of the employees to be transferred, makes the following Order:

Title, commencement and application

1.—(1) This Order may be cited as the Local Health Boards (Transfer of Staff) (Wales) Order 2003 and shall come into force on 1st April 2003.

(2) This Order applies to Wales only.

Interpretation

2. In this Order unless the context otherwise requires—

"EES employee" means a person whose contract of employment has been transferred to the Powys Local Health Board(**3**) under the Extended Employment Scheme;

"Extended Employment Scheme" means a scheme which provides for the employment by the Powys Local Health Board, for a period not exceeding 12 months commencing on the transfer date, of persons whose contracts of employment are transferred to the Powys Local Health Board pursuant to article 5 of the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition)(Wales) Order 2003(**4**);

"Health Authority" ("*Awdurdod Iechyd*") means a Health Authority in Wales established by the Health Authorities (Wales) Establishment Order 1996(**5**);

(**1**) 1977 c. 49, as amended. The relevant amendments for the purposes of this Order are those made by section 6 of and Schedule 4 to the National Health Service Reform and Healthcare Professions Act 2002 (2002 c. 17).

(**2**) With regard to s.126(1) and (4) of the National Health Service Act, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), as read with section 40 of the National Health Service Reform and Healthcare Professions Act 2002. The other powers under which this Order is made are conferred directly on the Assembly.

(**3**) The Powys Local Health Board is established by order under section 16BA of the National Health Service Act 1977 (c. 49) — *see* the Local Health Boards (Establishment)(Wales) Order 2003 (S.I. 2003/148, W.18)

(**4**) S.I. 2003/813, (W.98)

(**5**) S.I. 1996/146.

"Local Health Board" ("*Bwrdd Iechyd Lleol*") means a Local Health Board established by the Local Health Boards (Establishment)(Wales) Order 2003(**6**);

"the Powys NHS Trust" ("*Ymddiriedolaeth GIG Powys*") means the Powys Health Care National Health Service Trust established by Powys Health Care National Health Service Trust (Establishment) Order 1992(**7**);

"redundancy date" ("*dyddiad diswyddo*") means the date upon which notice of redundancy given to a person to whom article 5 applies takes effect;

"relevant employee" ("*cyflogai perthnasol*") means any person —

(a) whose contract of employment with a health authority specified in column (1) has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise); and

(b) who has been offered and has accepted employment with a Local Health Board specified in Column (2) of the Schedule, other than the Powys Local Health Board pursuant to the Extended Employment Scheme.

"the Schedule" ("*yr Atodlen*") means the Schedule to this Order; and

"the transfer date" ("*y dyddiad trosglwyddo*") means 1st April 2003.

Transfer of employees of Health Authorities to Local Health Boards

3. With effect from the transfer date, the contract of employment of a relevant employee with a health authority specified in column (1) of the Schedule is transferred to the Local Health Board (being one of the Local Health Boards listed in column 2 of the Schedule) which has offered and with which the relevant employee has accepted employment.

Transfer of employees of the Powys Health Care National Health Service Trust to the Powys Local Health Board

4. With effect from the transfer date, the contract of employment of any person who, immediately before the transfer date, was employed by the Powys NHS Trust and whose contract of employment with the Powys NHS Trust has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise), is transferred to the Powys Local Health Board.

Transfer to Extended Employment Scheme in the event of redundancy

5.—(1) This article applies to a person

(a) whose contract of employment has transferred to a Local Health Board under article 3 or 4;

(b) whose contract of employment with that Local Health Board has not terminated before the redundancy date (whether by expiry of notice, effluxion of time or otherwise); and

(c) whose post in that Local Health Board is declared to be redundant at any time between the transfer date and 31st March 2004.

(2) With effect from the redundancy date, a contract of employment between a person to whom paragraph (1) applies and the Local Health Board by which they are employed shall be treated as if it were a contract of employment for a limited term to expire on 31st March 2004 made originally between such person and the Powys Local Health Board.

(3) Article 6 of the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 (Transfer of EES employees under the Extended

(**6**) S.I. 2003/148, (W.18)
(**7**) S.I. 1992/2741