WELSH STATUTORY INSTRUMENTS

2003 No. 813 (W.98)

NATIONAL HEALTH SERVICE, WALES

The Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (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 sections 27(1), (3), (5)(a), (8), (9) and 154(1) of the Government of Wales Act 1998(**1**), makes the following Order —

Title, commencement and application

1.—(1) This Order may be cited as the Health Authorities (Transfer of Functions, Staff, Property, Rights and Liabilities and Abolition) (Wales) Order 2003 and shall come into force on 1st April 2003.

(2) This Order applies to Wales only.

Interpretation

2. In this Order —

"EES employee" means a person whose contract of employment has been transferred to Powys Local Health Board(**2**) under the Extended Employment Scheme pursuant to article 5;

"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;

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

(a) whose contract of employment with a Welsh health authority 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 before the transfer date employment with the National Assembly for Wales;

"residual employee" ("*cyflogai gweddilliol*") means a person —

(**1**) 1998 c. 38.

(**2**) 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).

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

(b) who has not been offered or has not accepted before the transfer date employment with the National Assembly for Wales or any Local Health Board(**3**) (other than the Powys Local Health Board under the Extended Employment Scheme).

"transfer date" ("*y dyddiad trosglwyddo*") means 1st April 2003; and

"Welsh health authority" ("*awdurdod iechyd Cymreig*") means a health authority established by the Health Authorities (Wales) Establishment Order 1996(**4**), and which is listed in the Schedule to this Order

Transfer of functions of Welsh health authorities to the National Assembly for Wales

3. With effect from the transfer date, all the functions of each Welsh health authority with respect to the whole of the area for which each such authority acts are transferred to the National Assembly for Wales.

Transfer of relevant employees to the National Assembly for Wales

4. With effect from the transfer date, a contract of employment between a relevant employee and a Welsh health authority shall be treated as if it had originally been made between the relevant employee and the National Assembly for Wales.

Transfer of residual employees to Powys Local Health Board under the Extended Employment Scheme

5. With effect from the transfer date, a contract of employment between a residual employee of a Welsh health authority shall be treated as if it were a contract of employment for a fixed term made originally between the residual employee and the Powys Local Health Board.

Transfer of EES employees under the Extended Employment Scheme

6.—(1) Paragraph (2) applies to an EES employee whose contract of employment has not terminated (whether by expiry of notice, effluxion of time or otherwise).

(2) During the period of twelve months following the transfer date, a contract of employment between an EES employee to whom paragraph (1) applies and the Powys Local Health Board shall, if such employee has been offered and has accepted employment with —

(a) any Local Health Board (other than the Powys Local Health Board under the Extended Employment Scheme); or

(b) the National Assembly for Wales,

be treated as if it had originally been made between the EES employee and such Local Health Board or the National Assembly for Wales.

Abolition of Welsh Health Authorities

7. With effect from the transfer date, each of the Welsh health authorities is abolished.

(**3**) Local Health Boards are 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. 1996 No.146.