



## 2009 CHAPTER 1

### *Transfer of assets, liabilities and functions*

#### **Dissolution of special agencies**

**28.**—(1) The Health and Personal Social Services (Special Agencies) (Northern Ireland) Order 1990 (NI 3) is amended as follows.

(2) In the Schedule, after paragraph 8 (execution of contracts and instruments not under seal) insert the following paragraph—

#### *“Dissolution of special agencies*

**8A.**—(1) The Department may by order dissolve a special agency.

(2) An order under this paragraph may be made—

- (a) on the application of the special agency concerned; or
- (b) if the Department considers it appropriate in the interests of health and social care.

(3) Except where it appears to the Department necessary to make an order under this paragraph as a matter of urgency, no such order shall be made until after the completion of such consultation as may be prescribed.

(4) An order under this paragraph may provide for the transfer to—

- (a) the Department, or
- (b) such other HSC body as the order may specify,

of such of the assets and liabilities of the special agency which is dissolved as the Department considers appropriate.

(5) The Department must exercise its powers under sub-paragraph (4) so as to ensure that all the liabilities of the special agency are transferred.

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Reform) Act (Northern Ireland) 2009, Section 28. (See end of Document for details)

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(6) An order under this paragraph may make provision in connection with the transfer of staff employed by or for the purposes of the special agency which is dissolved including provision for the making of a scheme by the special agency or such other body as may be specified in the order.

(7) An order under this paragraph—

(a) may include such incidental, supplemental or transitional provision as the Department considers appropriate; and

(b) shall be subject to negative resolution.

(8) Without prejudice to the generality of sub-paragraphs (4) to (7), if a special agency is dissolved under this paragraph, the Department, or such other HSC body as the Department may direct, shall undertake the responsibility for the continued payment of any such pension, allowances or gratuities as, by virtue of regulations made under paragraph 6, would otherwise have been the responsibility of the special agency which has been dissolved.

(9) A special agency may not be dissolved or wound up except in accordance with this paragraph.”.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Reform) Act (Northern Ireland) 2009, Section 28.