



National Health Service (Residual Liabilities) Act 1996

1996 CHAPTER 15

An Act to make provision with respect to the transfer of liabilities of certain National Health Service bodies in the event of their ceasing to exist. [22nd May 1996]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Annotations:

Modifications etc. (not altering text)

C1 Act: transfer of functions (1.7.1999) by S.I. 1999/672, art. 2 Sch. 1

Commencement Information

II Act wholly in force at Royal Assent

1 Transfer of residual liabilities: England and Wales.

- (1) If a National Health Service trust [^{F1}a Primary Care Trust], [^{F2}a Strategic Health Authority,] a Health Authority or a Special Health Authority ceases to exist, the Secretary of State must exercise his statutory powers to transfer property, rights and liabilities of the body so as to secure that all of its liabilities are dealt with.
- (2) For the purposes of subsection (1), a liability is dealt with by being transferred to—
 - (a) the Secretary of State;
 - [^{F3}(ba) a Strategic Health Authority;]
 - (b) a National Health Service trust;
 - (c) a Health Authority; or
 - (d) a Special Health Authority.
 - [^{F4}(dd) a Primary Care trust]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Residual Liabilities) Act 1996. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

Annotations:

Amendments (Textual)

- F1** Words in [S. 1\(1\)](#) inserted (4.1.2000) by 1999 c. 8, s. 65, [Sch. 4 para. 87\(a\)](#); S.I. 1999/2342, art. 2(3), [Sch. 2](#)
- F2** Words in [s. 1\(1\)](#) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, [Sch. 1 Pt. 1 para. 21\(a\)](#)
- F3** [S. 2\(b\)\(ba\)](#) inserted (1.10.2002) by S.I. 2002/2469, reg. 4, [Sch. 1 Pt. 1 para. 21\(b\)](#)
- F4** [S. 1\(dd\)](#) inserted (4.1.2000) by 1999 c. 8, s. 65, [Sch. 4 para. 87\(b\)](#); S.I. 1999/2342, art. 2(3), [Sch. 2](#)

2 Transfer of residual liabilities: Scotland.

- (1) If a National Health Service trust, a Health Board or a Special Health Board ceases to exist, the Secretary of State must exercise his statutory powers to transfer property, rights and liabilities of the body so as to secure that all of its liabilities are dealt with.
- (2) For the purposes of subsection (1), a liability is dealt with by being transferred to—
- (a) the Secretary of State;
 - (b) a National Health Service trust;
 - (c) a Health Board;
 - (d) a Special Health Board; or
 - (e) the Common Services Agency for the Scottish Health Service.

3 Provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the ^{M1}Northern Ireland Act 1974 (legislation for Northern Ireland in the interim period) which contains a statement that it is made only for purposes corresponding to those of section 1—

- (a) shall not be subject to paragraph 1(4) and (5) of that Schedule (affirmative resolution of both Houses of Parliament); but
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Annotations:

Marginal Citations

- M1** 1974 c.28.

4 Short title and extent.

- (1) This Act may be cited as the National Health Service (Residual Liabilities) Act 1996.
- (2) Section 1 extends only to England and Wales, section 2 extends only to Scotland and section 3 extends only to Northern Ireland.

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 1 repealed by [2006 c. 43 Sch. 4](#)
- s. 1(1) text amended by [2006 c. 28 Sch. 8 para. 36\(2\)](#)
- s. 1(2)(c) substituted by [2006 c. 28 Sch. 8 para. 36\(3\)\(a\)](#)
- s. 1(2)(de) inserted by [2006 c. 28 Sch. 8 para. 36\(3\)\(b\)](#)
- s. 2(2)(b) repealed by [2004 asp 7 Sch. 2](#)