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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, Cross Heading: Transfer schemes. (See end of Document for details)

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## SCHEDULE 2

### TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

#### *Transfer schemes*

- 1 (1) The Welsh Ministers may, in connection with the abolition of Community Health Councils, make one or more transfer schemes.
- (2) A transfer scheme is a scheme providing for the transfer to the Citizen Voice Body of any property, rights and liabilities mentioned in sub-paragraph (3).
- (3) The property, rights and liabilities are property and rights acquired, or liabilities incurred, by—
  - (a) the Welsh Ministers;
  - (b) a Local Health Board;
  - (c) an NHS trust.
- (4) The things that may be transferred under a transfer scheme include—
  - (a) property, rights and liabilities which could not otherwise be transferred;
  - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (5) A transfer scheme may make consequential, supplementary, incidental, transitional or transitory provision.
- (6) By virtue of sub-paragraph (5), a transfer scheme may, for example—
  - (a) create rights, or impose liabilities, in relation to property or rights transferred;
  - (b) make provision about the continuing effect of things done in respect of anything transferred;
  - (c) make provision about the continuation of things (including legal proceedings) in the process of being done in respect of anything transferred;
  - (d) make provision for the shared ownership or use of property;
  - (e) make provision for references to the Welsh Government or the Welsh Ministers, or references to a Local Health Board or an NHS trust, in an instrument or other document in respect of anything transferred to be treated as references to the Citizen Voice Body;
  - (f) make provision which is the same as or similar to a provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) in a case where those regulations do not apply in relation to the transfer.
- (7) A transfer scheme may provide—
  - (a) for modification by agreement;
  - (b) for modifications to have effect from the date when the scheme came into effect.
- (8) The Welsh Ministers must lay a copy of any transfer scheme before the National Assembly for Wales.
- (9) In this paragraph—

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- (a) references to rights and liabilities include references to rights and liabilities arising in relation to a contract of employment;
- (b) references to the transfer of property include references to the grant of a lease.

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**Commencement Information**

**II** Sch. 2 para. 1 in force at 29.3.2023 by S.I. 2023/370, art. 2(b)

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