

SCHEDULES

SCHEDULE 13

Article 76.

INCIDENTAL, CONSEQUENTIAL, TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

1. An order under Article 76(1) may include provision—
 - (a) for the manner in which it is to be determined whether any assets or liabilities were held, acquired or incurred wholly or mainly for health or welfare purposes as mentioned in Article 75(1)(d)(ii);
 - (b) for the transfer of property to the Ministry where that property has undergone a change of use between 9th March 1972 and [^{F1} 1st October 1973], otherwise than in the ordinary course of business;
 - (c) for exempting, either temporarily or otherwise, from the provisions of Article 75 any property, other assets or liabilities, for enabling the Ministry to use any property so exempted or for enabling a body assuming functions of a local authority to continue to use, on such terms and conditions as may be agreed, any property transferred under Article 75;
 - (d) for the determination of any question or disputes arising under Article 75 or under an order made under Article 76;
 - (e) for such of the assets (other than property) and liabilities specified in the order to be enforceable, notwithstanding Article 75, by or against such Health and Social Services Board as may be specified, [^{F2} or the Agency];
 - (f) for temporary modifications of this Order or for modifying or repealing any other transferred provision passed or made before [^{F1} 1st October 1973] (not including such a provision contained in this Order);
 - (g) in connection with the dissolution of the bodies mentioned in Article 74 and the winding-up of their affairs, including provision for securing that anything done by or to such a body should have effect as if done by or to a body established under this Order;
 - (h) for the carrying on and completion by or on behalf of the bodies mentioned in Article 74 of anything (including any legal or parliamentary proceeding) commenced by or on behalf of those bodies before [^{F1} 1st October 1973];
 - (i) for construing, so far as may be necessary for the purposes of Article 74 or in consequence of an order made under Article 76(1), references in any transferred provision or in any judgement, decree, order or warrant of any court, or in any award, deed, contract or other document to any of the bodies mentioned in Article 74 as references to any other body;
 - (j) for the application, defrayal, apportionment or adjustment of assets, liabilities, income or costs, for the inclusion or exclusion for purposes of such application, defrayal, apportionment or adjustment of any item which the Ministry may think proper to include or exclude, and for the continuance of, or of functions of, any of the bodies mentioned in Article 74 and the continuance in office of any member or officer of that body, as if the body had not been dissolved, for purposes of such application, defrayal, apportionment or

Status: Point in time view as at 01/01/2006.

Changes to legislation: Health and Personal Social Services (Northern Ireland) Order 1972, SCHEDULE 13 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

adjustment or for purposes of the making up and audit of accounts and any proceedings in connection therewith or consequent thereupon;

- (k) for dealing with any applications, complaints or representations made to or by any body mentioned in Article 74 which are pending on [^{F1} 1st October 1973];
- (l) for the transfer of persons from lists of the Northern Ireland General Health Services Board to lists of Health and Social Services Boards or the removal of persons from such lists in pursuance of a direction made before [^{F1} 1st October 1973] by the Tribunal within the meaning of the Health Services Act (Northern Ireland) 1971 .

F1 1972 NI 21

F2 1991 NI 1

2. Where an order makes provision as mentioned in paragraph 1(*f*) the order shall be subject to affirmative resolution.

Status:

Point in time view as at 01/01/2006.

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