

Changes to legislation: The Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003, Paragraph 17 is up to date with all changes known to be in force on or before 26 April 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) View outstanding changes

SCHEDULES

SCHEDULE 1

THE [F1Health and Social Care Regulation and Quality Improvement Authority]

F1 Words in Order substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(a\)](#) (with [Sch. para. 1\(2\)](#))

Transfer of assets and liabilities to the [F1RQIA]

F1 Words in Order substituted (11.4.2014) by [Health and Social Care \(Amendment\) Act \(Northern Ireland\) 2014 \(c. 5\)](#), [Sch. para. 1\(1\)\(b\)](#) (with [Sch. para. 1\(2\)](#))

17.—(1) The Department may by order transfer or provide for the transfer to the [F1RQIA], with effect from such date as may be specified in the order, of such of the assets and liabilities of the Department or of a Health and Social Services Board as, in the Department's opinion, need to be transferred to the [F1RQIA] for the purpose of enabling it to carry out its functions.

(2) An order under this paragraph may create or impose such new rights or liabilities in respect of what is transferred or what is retained by the Department or a Health and Social Services Board as appear to the Department to be necessary or expedient.

(3) Nothing in this paragraph affects the power of the Department or any power of a Health and Social Services Board to transfer assets or liabilities to the [F1RQIA] otherwise than under sub-paragraph (1).

(4) Stamp duty shall not be chargeable in respect of any transfer to the [F1RQIA] effected by or by virtue of an order under this paragraph.

(5) Where an order under this paragraph provides for the transfer—

(a) of land held on lease from a third party, or

(b) of any other asset leased or hired from a third party or in which a third party has an interest,

the transfer shall be binding on the third party notwithstanding that, apart from this sub-paragraph, it would have required his consent or concurrence.

(6) Any assets and liabilities which are to be transferred to the [F1RQIA] shall be identified by agreement between the Authority and the Department or, in default of agreement, by direction of the Department.

(7) Where, for the purpose of a transfer pursuant to an order under this paragraph, it becomes necessary to apportion any assets or liabilities, the order may contain such provisions as appear to the Department to be appropriate for the purpose; and where any such assets fall within sub-paragraph (5), the order shall contain such provisions as appear to the Department to be appropriate to safeguard the interests of third parties, including, where appropriate, provision for the payment of compensation of an amount to be determined in accordance with the order.

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(8) In the case of any transfer made by or pursuant to an order under this paragraph, a certificate issued by the Department that any asset or liability specified in the certificate is vested in the [F¹RQIA] shall be conclusive evidence of that fact for all purposes.

(9) An order under this paragraph may include provision for matters to be settled by arbitration by a person determined in accordance with the order.

(10) In this paragraph “third party” means a person other than the Department or a Health and Social Services Board.

(11) An order under this paragraph shall not be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (NI 12).

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 15(2)(e)(f) substituted for art. 15(2)(e) by [2022 c. 18 \(N.I.\) Sch. 3 para. 62](#)