



# 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:—

### Modifications etc. (not altering text)

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

### Commencement Information

I1 Act wholly in force at Royal Assent

## <sup>F1</sup> 1 Transfer of residual liabilities: England and Wales.

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### Textual Amendments

F1 S. 1 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), Sch. 4 (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)

## 2 Transfer of residual liabilities: Scotland.

(1) If a National Health Service trust, a Health Board [<sup>F2</sup>, a Special Health Board or the Common Services Agency for the Scottish Health Service] ceases to exist, the

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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.

#### Textual Amendments

- F2** Words in s. 2(1) substituted (25.7.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), ss. 64, 72(2); S.S.I. 2014/202, art. 2

### 3 Provision for Northern Ireland.

An Order in Council under paragraph 1(1)(b) of Schedule 1 to the <sup>M1</sup>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.

#### 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. 2(2)(b) repealed by [2004 asp 7 sch. 2](#)