1973. No. 351 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

Consequential, Transitional and Supplementary Provisions

ORDER, DATED 24TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER ARTICLE 76(1) OF AND PARAGRAPH 1 OF SCHEDULE 13 TO THE HEALTH AND PERSONAL SOCIAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by Article 76(1) of and paragraph 1(*d*), (*e*) and (*g*) to (*l*) of Schedule 13 to the Health and Personal Social Services (Northern Ireland) Order 1972(a) and of every other power enabling it in that behalf, and in conjunction with the Ministry of Finance, hereby makes the following Order:

Citation

1. This Order may be cited as the Health and Personal Social Services (Consequential, Transitional and Supplementary Provisions) Order (Northern Ireland) 1973.

Interpretation

2. In this Order—

"the Act" means the Health Services Act (Northern Ireland) 1971(b);

"Health and Social Services Board" means such a Board established under the Order;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972;

"transferee" means, in relation to functions conferred by virtue of the Order, where the function is exercisable by the Ministry, a Health and Social Services Board, an officer of such Board, the Agency or the Staffs Council, that Ministry, body or officer or, in relation to any assets or liabilities transferred by virtue of the Order, the Ministry or, where an asset or liability is enforceable by or against a Health and Social Services Board, the Agency or the Staffs Council, that body;

"transferor" means any of the bodies mentioned in Article 74 of the Order, a health or welfare authority or officer of such body or authority by which or whom a function was exercisable before 1st October 1973, or any such body or authority or a local authority from which any asset or liability is transferred by virtue of the Order;

"the Tribunal" means the Tribunal within the meaning of the Act.

Enforcement of certain assets and liabilities

3.—(1) Notwithstanding Article 75 of the Order, assets (other than property) and liabilities (other than liabilities in relation to the payment of superannuation benefits and of compensation in respect of loss of employ-

(a) S.I. 1972, No. 1265 (N.I. 14). (b) 1971. c. 1 (N.I.).

ment or loss or diminution of emoluments) held, acquired or incurred for the purposes of any function which on 1st October 1973 becomes exercisable by a Health and Social Services Board, the Agency or the Staffs Council by virtue of the Order shall be enforceable on and after that date by or against that Board, the Agency or the Staffs Council, as the case may require.

(2) Where under paragraph (1) any asset or liability would be enforceable by or against two or more Health and Social Services Boards, the asset or liability shall be apportioned in such manner as may be determined by agreement among the Boards concerned or, in default of agreement, as shall be determined by the Ministry, and shall be enforceable accordingly.

Preparation and audit of accounts

4. The dissolution of any of the following bodies, namely the Northern Ireland General Health Services Board, the Northern Ireland Hospitals Authority and management committees, shall not affect any duty of the body to prepare and transmit to the Ministry accounts in respect of the period of six months ending on 30th September 1973 or the audit of such accounts, and, accordingly, the accounts shall be prepared and transmitted and the audit shall be made as if the body had not been dissolved and sections 56(2) and 57(1) of the Act had not been repealed; and any member or officer of the body who is required for the purposes of the preparation, transmission or audit of the accounts or for the purposes of any proceedings in connection therewith or consequent thereupon shall for those purposes be deemed to continue in office and be bound to perform the same duties and render the same account and be subject to the same liabilities as if the body had not been dissolved.

Transfers from medical etc. lists

5.—(1) The name of any person included immediately before 1st October 1973 in the lists prepared under Part II or Part IV of the Act—

(*a*) of medical practitioners undertaking to provide general medical services other than maternity medical services; or

(*b*) of medical practitioners undertaking to provide maternity medical services; or

(*c*) of dental practitioners undertaking to provide general dental services; or

(*d*) of medical practitioners undertaking to provide general eye services; or

(*e*) of ophthalmic opticians undertaking to provide general eye services; or

(*f*) of dispensing opticians undertaking to provide general eye services; or

(*g*) of persons undertaking to provide pharmaceutical services;

shall be transferred on that date—

(i) in the case of a person to whom paragraph (1)(*a*) or (*b*) applies, to the corresponding list of the Health and Social Services Board in whose area his surgery or main surgery is situated;

(ii) in the case of a person to whom paragraph (1)(*c*), (*d*), (*e*) or (*f*) applies, or to whom paragraph (1)(*g*) applies and who has undertaken to provide pharmaceutical services, including the supply of appliances, to the corresponding list of each Health and Social Services Board in whose area his premises are situated;