1970. No. 268 **[NC]**

HEALTH SERVICES

General Scheme: Modification

ORDER, DATED 20TH OCTOBER 1970, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES UNDER SECTION 28 OF THE HEALTH SERVICES ACT (NORTHERN IRELAND) 1948.

WHEREAS Section 28(4) of the Health Services Act (Northern Ireland) 1948(**a**) provides that the Northern Ireland Hospitals Authority (hereinafter referred to as "the Authority") may from time to time, after consultation with the Ministry of Health and Social Services (hereinafter referred to as "the Ministry"), adopt a new general scheme providing for the modification of the general scheme for the time being in force:

AND WHEREAS the Authority has adopted and submitted to the Ministry a new general scheme providing for the modification of the general scheme already adopted by the Authority and approved by Order dated 31st May 1948(**b**), as modified by new general schemes adopted by the Authority and approved by Orders dated 31st December 1948(**c**), 30th September 1949(**d**), 1st January 1950(**e**), 11th April 1951(**f**), 31st October 1956(**g**), 18th September 1957(**h**), 21st August 1958(**i**), 26th March 1959(**j**), 18th December 1959(**k**), 3rd February 1961(**l**), 20th March 1962(**m**), 30th October 1962(**n**), 29th May 1963(**o**), 28th September 1964(**p**), 30th December 1964(**q**), 30th May 1968(**r**), and 31st October 1969(**s**):

AND WHEREAS the Ministry thinks fit to approve the new general scheme:

NOW, THEREFORE, the Ministry, in exercise of the powers conferred upon it by Section 28 of the Health Services Act (Northern Ireland) 1948, and of all other powers so enabling, hereby orders as follows:—

1. This Order may be cited as the Health Services (General Scheme Modification) Order (Northern Ireland) 1970.

2. The Ministry hereby approves the new general scheme as set out in the Schedule.

3.—(1) All property whether real or personal (including choses-in-action) which immediately before the 1st day of November 1970 is vested in or belongs to or is held in trust for or by the North Armagh Hospital Management Committee, the South Armagh Hospital Management Committee or St. Luke's

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(a) 1948. c. 3.
(b) S.R. & O. (N.I.) 1948, No. 143.
(c) S.R. & O. (N.I.) 1948, No. 332.
(d) S.R. & O. (N.I.) 1949, No. 176.
(e) S.R. & O. (N.I.) 1950, No. 2.
(f) S.R. & O. (N.I.) 1951, No. 49.
(g) S.R. & O. (N.I.) 1956, No. 169.
(h) S.R. & O. (N.I.) 1957, No. 196.
(i) S.R. & O. (N.I.) 1958, No. 140.
(j) S.R. & O. (N.I.) 1959, No. 55.
(k) S.R. & O. (N.I.) 1959, No. 191.
(l) S.R. & O. (N.I.) 1961, No. 22.
(m) S.R. & O. (N.I.) 1962, No. 45.
(n) S.R. & O. (N.I.) 1962, No. 192.
(o) S.R. & O. (N.I.) 1963, No. 113.
(p) S.R. & O. (N.I.) 1964, No. 153.
(q) S.R. & O. (N.I.) 1964, No. 214.
(r) S.R. & O. (N.I.) 1968, No. 127.
(s) S.R. & O. (N.I.) 1969, No. 298.

Hospital Management Committee (each of which is hereinafter referred to as "a dissolved Committee") and all rights, powers and privileges relating to or connected with such property shall on that date and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust for or by (as the case may require) Craigavon Area Hospital Management Committee for all the estate, term or interest for which the same immediately before that date was vested in or belonged to or was held in trust for or by the respective dissolved Committee but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.

(2) All property transferred by this article which, immediately before the 1st day of November 1970, is standing in the books of any bank or is registered in the books of any bank, corporation or company in the name of a dissolved Committee shall upon the request of the Craigavon Area Hospital Management Committee made on or at any time after the 1st day of November 1970 be transferred in said books by such bank, corporation or company into the name of the Craigavon Area Hospital Management Committee.

(3) On and after the 1st day of November 1970, every chose-in-action transferred by this article may be sued upon, recovered or enforced by the Craigavon Area Hospital Management Committee in its own name and it shall not be necessary for that Management Committee to give notice to the person bound by such chose-in-action of the transfer effected by this article.

4. Every debt or other liability (including mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the 1st day of November 1970 is owing and unpaid or has been incurred and is undischarged by a dissolved Committee shall, on that date, become and be the debt or liability of the Craigavon Area Hospital Management Committee and shall be paid or discharged by and may be recovered from or enforced against that Management Committee.

5. Every bond, guarantee or other security of a continuing character made or given by a dissolved Committee to another person or by any person to such Committee and in force immediately before the 1st day of November 1970, and every contract or agreement in writing made between such Committee and another person and not fully executed and completed before that date shall, notwithstanding the dissolution of that particular Committee, continue in force on and after the 1st day of November 1970, but shall be construed and have effect as if the name of the Craigavon Area Hospital Management Committee were substituted therein for the name of that dissolved Committee and such security, contract or agreement shall be enforceable by or against the Craigavon Area Hospital Management Committee.

6.—(1) The accounts of all receipts and expenditure of a dissolved Committee and of the officers of the Authority responsible to that Committee up to the 1st day of November 1970 shall, as soon as conveniently may be after that day, be audited.

(2) Every officer of the Authority whose duty it is to make up any accounts of or to account for any portion of the receipts or expenditure of a dissolved Committee and also every member thereof shall, until the audit of such receipts and expenditure up to the 1st day of November 1970, is completed, be deemed for the purposes of such audit to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Order had not been made.