

Status: Point in time view as at 08/03/2022. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Quality and Engagement) (Wales) Act 2020, SCHEDULE 2. (See end of Document for details)

VALID FROM 01/04/2022

VALID FROM 29/03/2023

SCHEDULE 2

(introduced by section 23(3))

TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

Transfer schemes

- (1) The Welsh Ministers may, in connection with the abolition of Community Health Councils, make one or more transfer schemes.
- (2) A transfer scheme is a scheme providing for the transfer to the Citizen Voice Body of any property, rights and liabilities mentioned in sub-paragraph (3).
- (3) The property, rights and liabilities are property and rights acquired, or liabilities incurred, by—
 - (a) the Welsh Ministers;
 - (b) a Local Health Board;
 - (c) an NHS trust.
- (4) The things that may be transferred under a transfer scheme include—
 - (a) property, rights and liabilities which could not otherwise be transferred;
 - (b) property acquired, and rights and liabilities arising, after the making of the scheme.
- (5) A transfer scheme may make consequential, supplementary, incidental, transitional or transitory provision.
- (6) By virtue of sub-paragraph (5), a transfer scheme may, for example—
 - (a) create rights, or impose liabilities, in relation to property or rights transferred;
 - (b) make provision about the continuing effect of things done in respect of anything transferred;
 - (c) make provision about the continuation of things (including legal proceedings) in the process of being done in respect of anything transferred;
 - (d) make provision for the shared ownership or use of property;
 - (e) make provision for references to the Welsh Government or the Welsh Ministers, or references to a Local Health Board or an NHS trust, in an instrument or other document in respect of anything transferred to be treated as references to the Citizen Voice Body;
 - (f) make provision which is the same as or similar to a provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) in a case where those regulations do not apply in relation to the transfer.
- (7) A transfer scheme may provide—

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- (a) for modification by agreement;
 - (b) for modifications to have effect from the date when the scheme came into effect.
- (8) The Welsh Ministers must lay a copy of any transfer scheme before the National Assembly for Wales.
- (9) In this paragraph—
- (a) references to rights and liabilities include references to rights and liabilities arising in relation to a contract of employment;
 - (b) references to the transfer of property include references to the grant of a lease.

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