

2010 No. 913

HEARING AID COUNCIL

HEALTH CARE AND ASSOCIATED PROFESSIONS

HEALTH PROFESSIONS

**The Hearing Aid Council (Transfer of Property, Rights and
Liabilities) Order 2010**

<i>Made</i> - - - -	<i>20th March 2010</i>
<i>Laid before Parliament</i>	<i>24th March 2010</i>
<i>Coming into force</i> - -	<i>31st July 2010</i>

The Secretary of State for Business, Innovation and Skills, in exercise of the powers conferred by sections 123(5) and 161(4) of the Health and Social Care Act 2008(a), makes the following Order.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Hearing Aid Council (Transfer of Property, Rights and Liabilities) Order 2010 and comes into force on 31st July 2010.

(2) In this Order—

“the dissolution date” means 1st August 2010;

“the HAC” means the Hearing Aid Council established by the Hearing Aid Council Act 1968(b); and

“the Secretary of State” means the Secretary of State for Business, Innovation and Skills.

Transfer of property, rights and liabilities of the HAC

2.—(1) On the dissolution date, all property, rights and liabilities of the HAC are to be transferred to the Secretary of State.

(2) Anything done, or continuing to be done, before the dissolution date by the HAC in relation to its property, rights and liabilities which, by virtue of paragraph (1), are transferred to the Secretary of State—

(a) may be done, or continue to be done, on or after that date by the Secretary of State;

(b) is to have effect, or continue to have effect, on or after that date as if done by the Secretary of State.

(a) 2008 c.14.
(b) 1968 c.50.

Legal proceedings

3. Any legal proceedings to which the HAC was a party immediately before the dissolution date may be continued by or in relation to the Secretary of State.

Interpretation of contracts etc

4.—(1) Paragraph (2) applies in respect of every contract, trust or agreement, whether written or not, and every deed, instrument or other document which, immediately before the dissolution date, related to any property, right or liability of the HAC which, by virtue of article 2, is transferred to the Secretary of State.

(2) Each contract, trust, agreement, deed, instrument or other document referred to in paragraph (1) continues in effect subject to the following modifications, so far as they are required for continuing its effect on or after the dissolution date—

- (a) if the HAC is a party to it, the Secretary of State is substituted as that party;
- (b) for any reference (express or implied) to the HAC, substitute a reference to the Secretary of State;
- (c) for any reference (express or implied) to a member, officer or servant of the HAC, substitute a reference to such officer as the Secretary of State may nominate for the purpose;
- (d) for any reference (express or implied) to the office or place of business of the HAC, substitute a reference to the principal office of the Secretary of State.

20th March 2010

Kevin Brennan
Minister for Further Education, Skills, Apprenticeships and Consumer Affairs
Department for Business, Innovation and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers all the property, rights and liabilities of the Hearing Aid Council (“HAC”) to the Secretary of State for Business, Innovation and Skills (“Secretary of State”) when the HAC is dissolved on 1st August 2010 (article 2(1)). This is as a consequence of the HAC being dissolved by section 123(1) of the Health and Social Care Act 2008 (c.14) and its statutory functions in relation to the regulation of hearing aid dispensers being transferred to the Health Professions Council by virtue of the Health Professions (Hearing Aid Dispensers) Order 2010 (S.I.2010/233).

The Order also provides that anything done in relation to the property, rights and liabilities of the HAC before 1st August 2010 may continue to be done by, and is to have effect as if done by, the Secretary of State (article 2(2)). The Order also provides for the Secretary of State to continue any legal proceedings to which the HAC was a party (article 3) and for references to the HAC in contracts, deeds and other instruments to be substituted with references to the Secretary of State (article 4).

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

© Crown copyright 2010

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

2010 No. 913

HEARING AID COUNCIL

HEALTH CARE AND ASSOCIATED PROFESSIONS

HEALTH PROFESSIONS

The Hearing Aid Council (Transfer of Property, Rights and
Liabilities) Order 2010

£4.00