
STATUTORY INSTRUMENTS

2012 No. 1641

The NHS Commissioning Board Authority (Abolition and Transfer of Staff, Property and Liabilities) and the Health and Social Care Act 2012 (Consequential Amendments) Order 2012

PART 2

Abolition of the NHS Commissioning Board Authority

Transfer of other liabilities and winding up of affairs

6.—(1) On the transfer date, all liabilities of the Authority not mentioned in articles 4 and 5 are to transfer to the Board.

(2) In paragraph (1) “liabilities”—

(a) includes the obligation of the Authority to prepare—

- (i) accounts in accordance with Schedule 15 to the Act in respect of the period beginning 1st April 2012 and ending on the transfer date, and
- (ii) a report to the Secretary of State under regulation 14 of the NHS Commissioning Board Authority Regulations 2011⁽¹⁾ in respect of the exercise by the Authority of its functions during that period; and

(b) does not include any liability in tort in respect of any claim for damages for death or personal injury caused or alleged to have been caused before the transfer date.

(3) Any liability in tort in respect of any claim for damages for death or personal injury caused or alleged to have been caused before the transfer date is to transfer, on the transfer date, to the Secretary of State.

(4) For the purposes of paragraph (2)(a)(ii), regulation 14 of the NHS Commissioning Board Authority Regulations 2011 is to remain in force.

(5) The Board must take such action as may be necessary for the winding up of the affairs of the Authority.