
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

Supplementary provision

7.—(1) Any act or omission by, or in relation to, the Authority before the transfer date in respect of—

- (a) the exercise of any functions of the Authority⁽¹⁾;
- (b) under or in connection with any contract or agreement entered into by the Authority; or
- (c) in connection with any property or liabilities of the Authority transferred under this Order,

is deemed to have been an act or omission of, or in relation to, the Board.

(2) Anything (which may include legal proceedings) which, when this Order takes effect, is in the process of being done by, or in relation to, the Authority in respect of, or in connection with—

- (a) the exercise by the Authority of any of its functions; or
- (b) any property or liabilities of the Authority transferred under this Order,

is deemed to have effect as if done by, or in relation to, and may be continued by, or in relation to, the Board.

(3) Any reference to the Authority in any agreement (whether written or not), instrument or other document in connection with any functions of the Authority or any property or liabilities transferred under this Order is to be treated as a reference to the Board.

(4) No right to terminate or vary a contract, arrangement or instrument is to operate or become exercisable, and no provision of any contract, arrangement or instrument is to operate or become exercisable or be contravened, by reason of the transfer of any property and liabilities under or by virtue of this Order.

(5) The transfers of any property, rights and liabilities provided for by this Order are to be made—

- (a) irrespective of any requirement for consent that would otherwise apply (whether arising under any enactment, instrument, agreement or otherwise); and
- (b) whether or not they would otherwise be capable of being transferred.

⁽¹⁾ The functions of the Authority are set out in article 3 of [S.I. 2011/2237](#) and in the NHS Commissioning Board Authority (Functions of the Authority) Directions 2011, signed on 31st October 2011, as amended by the NHS Commissioning Board Authority (Functions of the Authority) (Amendment) Directions 2012 signed on 31st May 2012.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
