
STATUTORY INSTRUMENTS

2017 No. 958

The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017

PART 3

Transfer of Staff and Property etc from the NHS Business Service Authority and provisions for continuity in relation to the work of NHS Protect and the Authority

Transfer of property from the BSA to the Authority

9.—(1) Subject to paragraph (4), the items of property of the BSA identified in the document entitled “*The NHS Business Services Authority Transfer of Property to the NHS Counter Fraud Authority Agreement 2017*” and signed on behalf of the BSA and of the Secretary of State on 26th September 2017, are to be transferred to the Authority on the transfer date.

(2) All liabilities (actual or contingent) of the BSA relating to the property referred to in paragraph (1) are to be transferred to the Authority on the transfer date.

(3) Any right relating to the property referred to in paragraph (1) that was immediately before the transfer date enforceable by or against the BSA is, on or after the transfer date, to be enforceable by or against the Authority.

(4) Paragraph (1)—

- (a) does not apply to transfer property taking the form of a contract of employment but does apply to transfer any other form of property listed in the document mentioned in that paragraph, including—
 - (i) an agreement or contract, including a contract for services;
 - (ii) a licence to occupy premises;
 - (iii) intellectual property including case management records and databases;
- (b) is without prejudice to any other arrangements the BSA may make with the Authority and any third parties for the transfer of property not transferred by virtue of this Order.

Commencement Information

II Art. 9 in force at 1.11.2017, see [art. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The NHS Counter Fraud Authority (Establishment, Constitution, and Staff and Other Transfer Provisions) Order 2017, Section 9.