1973. No. 345 **[C]**

HEALTH AND PERSONAL SOCIAL SERVICES

Exemption of Assets and Liabilities from Transfer

ORDER, DATED 19TH SEPTEMBER 1973, MADE BY THE MINISTRY OF HEALTH AND SOCIAL SERVICES, IN CONJUNCTION WITH THE MINISTRY OF FINANCE, UNDER ARTICLE 76(1) OF AND PARAGRAPH 1(*c*) OF SCHEDULE 13 TO THE HEALTH AND PERSONAL SERVICES (NORTHERN IRELAND) ORDER 1972.

The Ministry of Health and Social Services, on behalf of the Secretary of State and in exercise of the powers conferred on it by Article 76(1) of and paragraph 1(*c*) of Schedule 13 to the Health and Personal Social Services (Northern Ireland) Order 1972(**a**) and of every other power enabling it in that behalf, and in conjunction with the Ministry of Finance, hereby makes the following Order:—

Citation

1. This Order may be cited as the Health and Personal Social Services (Exemption of Assets and Liabilities from Transfer) Order (Northern Ireland) 1973.

Interpretation

2. In this Order—

"Health and Social Services Board" means such a Board established under the Order;

"health purposes" means the purposes of the Health Services Act (Northern Ireland) 1971(**b**), the Public Health Act (Northern Ireland) 1967(**c**) or the Education Act (Northern Ireland) 1947(**d**) or the purposes of any function corresponding to a function which on or before 1st October 1973 is conferred on the Ministry, a Health and Social Services Board or an officer of such Board by virtue of any transferred provision;

"the Order" means the Health and Personal Social Services (Northern Ireland) Order 1972.

Exemption of certain assets and liabilities from transfer

3.—(1) There shall be exempted from the provisions of Article 75(1)(*d*) of the Order any assets (other than land) or liabilities to which a local authority in its capacity as a health authority was entitled or was subject immediately before 1st October 1973 and which were not held, acquired or incurred wholly or mainly for health purposes.

(2) There shall be exempted from the provisions of Article 75(1)(*d*)(ii) of the Order—

(*a*) any assets or liabilities to which a local authority was entitled or was subject immediately before 1st October 1973 and which were held, acquired or incurred for the purposes of its functions under section 25 of the Welfare Services Act (Northern Ireland) 1971(**e**);

(**a**) S.I. 1972, No. 1265 (N.I. 14).
(**b**) 1971. c. 1 (N.I.).
(**c**) 1967. c. 36 (N.I.).
(**d**) 1947. c. 3.
(**e**) 1971. c. 2 (N.I.).

(*b*) any liabilities to which a local authority was subject immediately before 1st October 1973 attaching to that local authority in connection with any property which is not transferred to the Ministry by virtue of Article 75(1)(*d*)(i) of the Order.

Sealed with the Official Seal of the Ministry of Health and Social Services for Northern Ireland this 19th day of September 1973.

(L.S.) *J. H. Copeland,*
Assistant Secretary.

Sealed with the Official Seal of the Ministry of Finance for Northern Ireland this 19th day of September 1973.

(L.S.) *C. F. Darling,*
Assistant Secretary.

EXPLANATORY NOTE

(*This note is not part of the Order, but is intended to indicate its general purport.*)

This Order exempts from transfer to the Ministry of Health and Social Services at 1st October 1973 under the Health and Personal Social Services (Northern Ireland) Order 1972 certain assets and liabilities of local authorities.