## 24. TRANSFER OF PROPERTY AND LIABILITIES OF INSURANCE COMMITTEES, ETC.

# The National Health Service (Transfer of property and liabilities of Insurance Committees etc.) Regulations, 1948

## 1948 No. 1237

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| *Made* - - - - | 10*th June*, 1948 |
| *Laid before Parliament* | 15*th June*, 1948 |
| *Coming into Operation* | 20*th June*, 1948 |

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The Minister of Health in pursuance of the powers conferred on him by section 69 of the National Health Service Act, 1946(**a**), and of all other powers enabling him in that behalf, hereby makes the following regulations:—

**1.** These regulations may be cited as the National Health Service (Transfer of property and liabilities of Insurance Committees etc.) Regulations, 1948, and shall come into force on the 20th day of June, 1948.

**2.**—(1) In these regulations the following expressions have the meanings hereby assigned to them:—

" the Act " means the National Health Service Act, 1946(**a**);

" the Minister " means the Minister of Health;

" the Dental Benefit Council " means the Dental Benefit Council constituted under the National Health Insurance Act, 1936(**b**);

" Insurance Committee " includes a joint committee constituted under section 94 of the National Health Insurance Act, 1936(**b**);

" the Ophthalmic Benefit Approved Committee " means the Committee approved for the purpose of administering ophthalmic benefit under the National Health Insurance Act, 1936(**b**);

" appointed day " means the fifth day of July, 1948;

and other expressions used in these regulations have the same meanings as in the Act.

(2) The Interpretation Act, 1889(**c**), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

**3.** Subject to the provisions of regulation 6, there shall on the appointed day be transferred to and vest in the Executive Council, by virtue of these regulations, all property held by any Insurance Committee for any area comprised in the area of the Executive Council, and all liabilities to which the Insurance Committee were subject immediately before the appointed day:

Provided that in the case of a joint committee constituted under section 94 of the National Health Insurance Act, 1936(**b**), the property and liabilities of the joint committee shall be transferred to and vest in such Executive Council as the Minister shall determine.

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(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 26 Geo. 5. & 1 Edw. 8 c. 32.
(**c**) 52 & 53 Vict. c. 63.

**4.** The Executive Council shall deal with any moneys or fund transferred by the foregoing regulation in such manner as the Minister may, with the approval of the Treasury, determine.

**5.** Subject to the provisions of regulation 6, there shall on the appointed day be transferred to and vest in the Minister, by virtue of these regulations, all property held by the Dental Benefit Council or the Ophthalmic Benefit Approved Committee and all liabilities to which such Council or Committee were subject immediately before the appointed day.

**6.** These regulations shall not apply to rights and liabilities arising under contracts with officers for the rendering of personal services or to rights and liabilities arising under any enactment scheme or contract providing for the payment of superannuation benefit but this regulation shall be without prejudice to any regulations made under Part VI of the Act relating to the transfer and compensation of officers and the superannuation of officers.

**7.** The Minister may by order amend any contract or other document relating to any property or liability transferred under these regulations to such extent as appears to the Minister to be necessary for the purposes of such transfer.

**8.**—(1) Any proceedings with respect to any property or liability transferred under these regulations and pending on the appointed day shall not be prejudicially affected by these regulations and may be prosecuted and enforced by or against the Executive Council or the Minister as the case may be, to whom the property or liability is transferred:

Provided that proceedings with respect to any property or liability transferred from a joint committee may be prosecuted and enforced by or against such Executive Council as the Minister shall determine.

(2) Any such proceedings may be amended in such manner as may appear necessary or proper for enabling them to be prosecuted and enforced in accordance with the preceding provisions of this regulation.

**9.** Save as otherwise provided, any question arising under these regulations shall in default of agreement be determined by the Minister.

Given under the official seal of the Minister of Health this tenth day of June, nineteen hundred and forty-eight.

(L.S.) *Aneurin Bevan,*
Minister of Health

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## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

The Regulations make provision in accordance with section 69 (2) of the National Health Service Act, 1946, for the transfer of the property and liabilities of Insurance Committees to Executive Councils and of the Dental Benefit Council and the Ophthalmic Benefit Approved Committee to the Minister.