21. TRANSFER OF PROPERTY

The National Health Service (Transfer of Property and Liabilities of Insurance Committees) (Scotland) Regulations, 1948

1948 No. 1496 (S. 130)

Made - - - -	*30th June*, 1948
Laid before Parliament	*1st July*, 1948
Coming into Operation	*2nd July*, 1948

In exercise of the powers conferred on me by section 68 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Transfer of Property and Liabilities of Insurance Committees) (Scotland) Regulations, 1948, and shall come into operation on the second day of July, 1948.

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

" the Act " means the National Health Service (Scotland) Act, 1947(a);

" appointed day " means the 5th day of July, 1948;

" Executive Council " means any executive council constituted in terms of section 32 of and the Sixth Schedule to the Act;

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

" property " includes all rights and interests in or attaching to land or moveable property or other assets;

(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 7 there shall on the appointed day be transferred to the Executive Council, all property held by the Insurance Committee for any area comprised in the area of an Executive Council, and all liabilities to which the Insurance Committee were subject immediately before the appointed day:

Provided that, in the case of an Insurance Committee whose area is comprised in the areas of two or more Executive Councils, or of a joint Insurance Committee the property and liabilities of the Committee shall be transferred to such Executive Council or Councils or joint committee of Executive Councils as the Secretary of State may determine.

4.—(1) For the purpose of giving effect to the provisions of regulation 3 hereof there shall be granted by Insurance Committees or by other parties having an interest so to do all such deeds or other instruments as in any particular case the Secretary of State may determine to be necessary.

(a) 10 & 11 Geo. 6. c. 27. (b) 26 Geo. 5. & 1 Edw. 8. c. 32.
(c) 52 & 53 Vict. c. 63.

(2) All such deeds or other instruments shall be executed as soon as practicable, and in any event not later than one month from the date of a notice given by the Secretary of State under this regulation.

(3) In the event of failure or refusal by any party to comply with the preceding provisions of this regulation, or if for any other reason those provisions cannot be compiled with, any such deed or other instrument may be executed by or on behalf of the Executive Council concerned, and shall thereupon have effect for all purposes as if such deed or other instrument had been granted by the Insurance Committee or other party having the interest so to do.

5. The Executive Council shall deal with any moneys or fund transferred by the foregoing regulation in such manner as the Secretary of State may with the approval of the Treasury determine.

6.—(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 carried on and enforced by or against the Executive Council, or a joint committee of Executive Councils, 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 Insurance Committee may be carried on and enforced by or against such executive council or joint committee as the Secretary of State may determine.

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

7. 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 benefits, but this regulation shall be without prejudice to the provisions of any regulations made under Part VI of the Act relating to the transfer and compensation of officers and the superannuation of officers.

8. Save as otherwise provided any question arising under these regulations shall in default of agreement be determined by the Secretary of State.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh 1.
30th June, 1948.

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 68 of the National Health Service (Scotland) Act, 1947, for the transfer of the property and liabilities of Insurance Committees to Executive Councils.