



# Care Act 2014

## 2014 CHAPTER 23

### PART 3

#### HEALTH

### CHAPTER 3

#### CHAPTERS 1 AND 2: SUPPLEMENTARY

#### *Miscellaneous*

#### **118 Transfer orders**

- (1) An order under section 96 (establishment of Health Education England) or section 109 (establishment of the Health Research Authority) (a “transfer order”) may make provision for rights and liabilities relating to an individual’s contract of employment.
- (2) A transfer order may, in particular, make provision the same as or similar to provision in the Transfer of Undertakings (Protection of Employment) Regulations 2006 ([S.I. 2006/246](#)).
- (3) A transfer order may provide for the transfer of property, rights or liabilities—
  - (a) whether or not they would otherwise be capable of being transferred;
  - (b) irrespective of any requirement for consent that would otherwise apply.
- (4) A transfer order may create rights, or impose liabilities, in relation to property, rights or liabilities transferred.
- (5) A transfer order may provide for things done by or in relation to the transferor for the purposes of or in connection with anything transferred to be—
  - (a) treated as done by or in relation to the transferee or its employees;
  - (b) continued by or in relation to the transferee or its employees.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A transfer order may in particular make provision about continuation of legal proceedings.

*General*

**119 Chapters 1 and 2: interpretation and supplementary provision**

- (1) For the purposes of Chapters 1 and 2, an expression in the first column of the following table is defined or otherwise explained by the provision of this Act specified in the second column.

<i>Expression</i>	<i>Provision</i>
Appointment criteria	Section 104
Commissioner of health services	Section 105
Devolved authority	Section 126
Devolved legislature	Section 126
Direct or direction	Subsection (2) below
Enactment	Section 126
Financial year	Section 126
Health care workers	Section 97
Health research	Section 110
The health service	Section 126
Health services	Section 99
HEE	Section 96
The HRA	Section 109
LETB	Section 103
Social care research	Section 110

- (2) A power under Chapter 1 or 2 to give a direction—
- (a) includes a power to vary or revoke the direction by a subsequent direction, and
  - (b) must be exercised by giving the direction in question in writing.
- (3) The amendments made by sections 116 and 117 and Schedule 8 to provisions of subordinate legislation do not affect the power to make further subordinate legislation amending or revoking the amended provisions.