
STATUTORY INSTRUMENTS

2003 No. 1096

NATIONAL HEALTH SERVICE, ENGLAND

The Oxford Radcliffe Hospitals National Health Service Trust (Transfer of Trust Property) Order 2003

Made - - - - 28th March 2003

Coming into force - - 1st April 2003

The Secretary of State for Health, in exercise of the powers conferred on him by section 11(3) of the National Health Service and Community Care Act 1990(1) and section 126(4) of the National Health Service Act 1977(2) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Oxford Radcliffe Hospitals National Health Service Trust (Transfer of Trust Property) Order 2003 and shall come into force on 1st April 2003.

(2) In this Order—

“the NHS Trust” means the Oxford Radcliffe Hospitals National Health Service Trust(3);

“the new trustees” means the trustees for the Oxford Radcliffe Hospitals National Health Service Trust(4);

“the trust property” means the property specified in the schedule of trust property prepared and agreed by the NHS Trust and the new trustees and signed on behalf of the NHS Trust on 26th March 2003 and on behalf of the new trustees on 27th March 2003.

Transfer of trust property

2.—(1) On 1st April 2003 the trust property, and any rights and liabilities arising from that property(5), shall be transferred from the NHS Trust to the new trustees.

(1) 1990 c. 19 (“the 1990 Act”); section 11(1) was amended by section 13(6) and (10) of the Health Act 1999.
(2) 1977 c. 49 (“the 1977 Act”); section 92 was amended by section 11(5) of the 1990 Act, by paragraph 44 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and by paragraph 28 of Schedule 4 to the Health Act 1999 (c. 8), (“the 1999 Act”); section 126(4) was amended by section 65(2) of the 1990 Act and by paragraph 37(6) of Schedule 4 to the 1999 Act. As regards Wales the functions of the Secretary of State under the above mentioned powers are transferred to the National Assembly for Wales under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 S.I. 1999/672 as amended by section 66(5) of the 1999 Act; this order therefore only extends to England.
(3) Established by S.I. 1993/2544 as amended by S.I. 1994/482, 1998/1227 and 2000/961.
(4) See section 11 of the 1990 Act and S.I. 1093.
(5) See section 11(6) of the 1990 Act and 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act.

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(2) In any trust instrument relating to the trust property, any reference to the name by which the trustees of the trust property are to be known shall be construed as a reference to the new trustees and any reference to the NHS Trust in the name by which the charitable trust governing the trust property is to be known shall be construed as a reference to the new trustees.

Signed by authority of the Secretary of State for Health

28th March 2003

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers trust property held by the Oxford Radcliffe Hospitals National Health Service Trust to the trustees established for that Trust under section 11(1) of the National Health Service and Community Care Act 1990 and makes related provision. A copy of the schedule of trust property transferred under this Order can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.