

2003 No. 618

NATIONAL HEALTH SERVICE, ENGLAND

**The Salisbury Health care National Health Service Trust
(Transfer of Trust Property) Order 2003**

<i>Made</i> - - - -	<i>10th March 2003</i>
<i>Laid before Parliament</i>	<i>11th March 2003</i>
<i>Coming into force</i>	<i>1st April 2003</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(1) and 126(4) of the National Health Service Act 1977(a) and of all other powers enabling him in that behalf, having regard to changes or proposed changes in the administration of Salisbury Health care National Health Service Trust and having consulted that Trust, the Avon and Wiltshire Mental Health Partnership National Health Service Trust, the West Hampshire National Health Service Trust, the New Forest Primary Care Trust, the Swindon and Marlborough National Health Service Trust and the Dorset Community National Health Service Trust in accordance with section 92(3) of that Act, hereby makes the following Order:

Citation, commencement and interpretation

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

(2) In this Order—

“the old Trust” means the Salisbury Health care National Health Service Trust(b);

“the new Trust” means the Avon and Wiltshire Mental Health Partnership National Health Service Trust(c), the West Hampshire National Health Service Trust(d), the New Forest Primary Care Trust(e), the Swindon and Marlborough National Health Service Trust(f), or the Dorset Community National Health Service Trust(g) as the context requires;

“the trust property” means the property specified in the three schedules of trust property more specifically described in paragraphs (1), (2) and (3) of article 2 of this Order.

Transfer of trust property

2.—(1) On 1st April 2003 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Avon and Wiltshire Mental Health Partnership

(a) 1977 c.49 (“the 1977 Act”); section 92 was amended by section 11(5) of the National Health Service and Community Care Act 1990 (c.19) (“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.

(b) Established by S.I. 1993/2575.

(c) Established by S.I. 1991/2328 (as amended by S.I. 1999/891 and S.I. 2001/271).

(d) Established by S.I. 2001/1198.

(e) Established by S.I. 2001/601.

(f) Established by S.I. 1993/2637 (as amended by S.I. 1996/987 and S.I. 1999/630).

(g) Established by S.I. 2000/2157 (as amended by S.I. 2002/1903).

National Health Service Trust and signed on behalf of the old Trust on 2nd September 2002 and on behalf of the Avon and Wiltshire Mental Health Partnership National Health Service Trust on 7th and 15th October 2002, and any rights and liabilities arising from that property(a), shall be transferred from the old Trust to the Avon and Wiltshire Mental Health Partnership National Health Service Trust.

(2) On 1st April 2003 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the West Hampshire National Health Service Trust and signed on behalf of the old Trust on 2nd September 2002 and on behalf of the West Hampshire National Health Service Trust on 5th and 16th September 2002, and any rights and liabilities arising from that property(b), shall be transferred from the old Trust to the West Hampshire National Health Service Trust.

(3) On 1st April 2003 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the New Forest Primary Care Trust and signed on behalf of the old Trust on 2nd September 2002 and on behalf of the New Forest Primary Care Trust on 26th September 2002, and any rights and liabilities arising from that property(c), shall be transferred from the old Trust to the New Forest Primary Care Trust.

(4) On 1st April 2003 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Swindon and Marlborough National Health Service Trust and signed on behalf of the old Trust on 8th and 21st November 2002 and on behalf of the Swindon and Marlborough National Health Service Trust on 9th and 12th December 2002, and any rights and liabilities arising from that property(d), shall be transferred from the old Trust to the Swindon and Marlborough National Health Service Trust.

(5) On 1st April 2003 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Dorset Community National Health Service Trust and signed on behalf of the old Trust on 5th and 6th December 2002 and on behalf of the Dorset Community National Health Service Trust on 19th December 2002, and any rights and liabilities arising from that property(e), shall be transferred from the old Trust to the Dorset Community National Health Service Trust.

3.—(1) 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 relevant new Trust and any reference to the old 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 relevant new Trust.

(2) In paragraph (1) of this article references to the relevant new Trust are to be read as references to the new Trust to which the property which is the subject of the trust instrument has been transferred under article 2 of this Order.

Signed by authority of the Secretary of State for Health

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

10th March 2003

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- (a) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.
 - (b) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.
 - (c) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.
 - (d) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.
 - (e) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Avon and Wiltshire Mental Health Partnership National Health Service Trust, the West Hampshire National Health Service Trust, the New Forest Primary Care Trust, the Swindon and Marlborough National Health Service Trust and the Dorset Community National Health Service Trust trust property held by the Salisbury Health care National Health Service Trust and makes related provision. A copy of the schedules specifying the trust property transferred under this Order can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

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