

**EXPLANATORY MEMORANDUM TO THE  
SURREY AND BORDERS PARTNERSHIP NATIONAL HEALTH SERVICE  
TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2005**

**2005 No. 1669**

**1.** This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 The purpose of the Statutory Instrument is to transfer property held on trust (charitable property) from the Surrey and Borders Partnership National Health Service Trust to the North Surrey Primary Care Trust. This instrument is made under sections 92(1), 96(1) and 126(4) of the National Health Service Act 1977.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Background**

4.1 Due to the dissolution of the Surrey Hampshire Borders National Health Service Trust the trust property held by the Surrey Hampshire Borders National Health Service Trust was transferred to the Surrey and Borders Partnership National Health Service Trust (its successor body). However, changes in the arrangements for the administration of the hospitals, establishments and facilities of the Surrey and Borders Partnership National Health Service Trust mean that, following local consultation, it is proposed to transfer the trust property held by the Surrey and Borders Partnership National Health Service Trust to the North Surrey Primary Care Trust.

**5. Extent**

5.1 This instrument applies to England.

**6. European Convention on Human Rights**

The Minister for Health has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Surrey and Borders Partnership National Health Service Trust (Transfer of Trust Property) Order 2005 are compatible with the Convention rights.

**7. Policy background**

7.1 The policy objectives are to transfer trust property, together with any rights and liabilities arising from that property, from the Surrey and Borders Partnership

National Health Service Trust to the North Surrey Primary Care Trust Primary Care Trust.

The consultation required by Section 92(3) of National Health Service Act 1977 between the Secretary of State and the bodies concerned has taken place.

**8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

**9. Contact**

Deborah Barnes at the Department of Health, Tel: 020 7972 2979 or e-mail: [Deborah.barnes@dh.gsi.gov.uk](mailto:Deborah.barnes@dh.gsi.gov.uk) can answer any queries regarding the instrument.