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STATUTORY INSTRUMENTS

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**2005 No. 3206**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The West Suffolk Hospitals National Health Service  
Trust (Transfer of Trust Property) Order 2005**

*Made - - - - 15th November 2005*  
*Laid before Parliament 23rd November 2005*  
*Coming into force - - 21st December 2005*

The Secretary of State for Health makes the following Order, having regard to changes in the arrangements for the administration of the hospitals of the West Suffolk Hospitals National Health Service Trust<sup>(1)</sup>, in exercise of the powers conferred on her by sections 92(1), 96(1) and 126(4) of the National Health Service Act 1977<sup>(2)</sup>.

In accordance with section 92(3) of that Act she has consulted that Trust and the Suffolk Mental Health Partnership National Health Service Trust<sup>(3)</sup> prior to making the Order.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the West Suffolk Hospitals National Health Service Trust (Transfer of Trust Property) Order 2005 and shall come into force on [ ] 2005.

(2) In this Order—

“the old Trust” means the West Suffolk Hospitals National Health Service Trust;

“the new Trust” means the Suffolk Mental Health Partnership National Health Service Trust;  
and

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(1) Established by [S.I. 1992/2565](#), as amended by [S.I. 2000/2387](#).

(2) [1977 c. 49](#) (“the 1977 Act”); section 92(1) was amended by section 11 (5) of the National Health Service and Community Care Act [1990 \(c. 19\)](#) (“the 1990 Act”), by section 2(1) of, and paragraph 44 of Schedule 1 to, the Health Authorities Act [1995 \(c. 17\)](#) and by sections 1(3) and 6(2) of, and paragraphs 1 and 26 of Schedule 1 to, and paragraphs 1 and 33 of Schedule 2 to, the National Health Service Reform and Health Care Professions Act [2002\(c. 17\)](#) (“the 2002 Act”); section 96(1) was amended by section 65(1) and paragraphs 4 and 29 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, by section 65(1) of, and paragraphs 37(1) and(6) of Schedule 4 to the 1999 Act, by section 67(1) of, and paragraphs 5(1) and 13(b) of Schedule 5 to the Health and Social Care Act [2001\(c. 15\)](#), by section 6(3)(c) and 37(1) of, and paragraphs 1 and 10 of Schedule 8 to, the 2002 Act and by sections 184, 196 and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act [2003\(c. 43\)](#). 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.

(3) Established by [S.I. 1999/851](#) as the Local Health Partnerships National Health Service Trust. The name of the trust was changed to the Suffolk Mental Health Partnership National Health Service Trust by [S.I. 2004/1624](#).

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“the trust property” means the property specified in the schedule of trust property prepared and agreed by the old Trust and the new Trust and signed on behalf of the old Trust on 21st September 2005 and on behalf of the new Trust on 6th October 2005.

**Transfer of trust property**

2.—(1) On the date that this Order comes into force the trust property, and any rights and liabilities arising from that property, shall be transferred from the old Trust to the new Trust.

(2) In any instrument relating to the trust property, any reference to the trustees of the trust property or, as the case may be, the old Trust shall be construed as a reference to the trustees of the new Trust or, as the case may be, the new Trust.

Signed by authority of the Secretary of State for Health

15th November 2005

*Rosie Winterton*  
Minister of State,  
Department of Health

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order transfers to the Suffolk Mental Health Partnership National Health Service Trust, trust property held by the West Suffolk Hospitals National Health Service Trust and makes related provision. A copy of the schedule of trust property transferred under this Order can be obtained from the Department of Health, Room 3W58, Quarry House, Quarry Hill, Leeds LS2 7UE.