

**EXPLANATORY MEMORANDUM TO**  
**THE CAMBRIDGE UNIVERSITY HOSPITALS NATIONAL HEALTH SERVICE**  
**FOUNDATION TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2005**

**2005 No.398**

**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 Cambridge University Hospitals National Health Service Foundation Trust to the Trustees for the Cambridge University Hospitals National Health Service Foundation Trust. This instrument is made under sections 22(3) and 195(1) of the Health and Social Care (Community Health and Standards) Act 2003.

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

3.1 None

**4 Legislative Background**

4.1 Following on from the Cambridge University Hospitals National Health Service Foundation Trust (Trust Funds: Appointment of Trustees) Order 2004 which provided for the Secretary of State to appoint trustees for the Foundation Trust for the purpose of exercising the functions described in section 22(1) of the Health and Social Care (Community Health and Standards) Act 2003, this Order transfers the trust property currently held by Cambridge University Hospitals National Health Service Foundation Trust to the Trustees for the Cambridge University Hospitals National Health Service Foundation Trust.

**5 Extent**

5.1 This instrument applies in relation to England only.

**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 Cambridge University Hospitals National Health Service Foundation Trust (Transfer of Property) Order 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 Cambridge University Hospitals National Health Service Foundation Trust to the Trustees for the Cambridge University Hospitals National Health Service Foundation Trust.

## **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**

Karen Swarbrick at the Department of Health, Tel 0113 2546608 or e-mail [karen.swarbrick@dh.gsi.gov.uk](mailto:karen.swarbrick@dh.gsi.gov.uk), can answer any queries regarding the instrument.