
STATUTORY INSTRUMENTS

2005 No. 444

NATIONAL HEALTH SERVICE, ENGLAND

**The Surrey Hampshire Borders National Health
Service Trust (Transfer of Trust Property) Order 2005**

<i>Made</i>	- - - -	<i>3rd March 2005</i>
<i>Laid before Parliament</i>		<i>9th March 2005</i>
<i>Coming into force</i>	- -	<i>1st April 2005</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(1), 96(1) and 126(4) of the National Health Service Act 1977⁽¹⁾ and of all other powers enabling him in that behalf, having regard to proposed changes in the arrangements for the administration of the hospitals, establishments and facilities of the Surrey Hampshire Borders National Health Service Trust⁽²⁾ and having consulted that Trust and the North Hampshire Primary Care Trust⁽³⁾ 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 Surrey Hampshire Borders National Health Service Trust (Transfer of Trust Property) Order 2005 and shall come into force on 1st April 2005.

(2) In this Order—

“the old Trust” means the Surrey Hampshire Borders National Health Service Trust;

“the new Trust” means the North Hampshire Primary Care Trust; and

(1) 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.

(2) Established by S.I. 1998/501.

(3) Established by S.I. 2000/2547.

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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 17th February 2005 and on behalf of the new Trust on 17th February 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

3rd March 2005

Stephen Ladyman
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 to the North Hampshire Primary Care Trust, trust property held by the Surrey Hampshire Borders 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, Quarry House, Quarry Hill, Leeds LS2 7UE.