

**EXPLANATORY MEMORANDUM TO THE  
WEST HERTFORDSHIRE HOSPITALS NATIONAL HEALTH SERVICE TRUST  
(TRANSFER OF TRUST PROPERTY) ORDER 2005**

**2005 No.451**

**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 West Hertfordshire Hospitals National Health Service Trust to East and North Hertfordshire National Health Service 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 reorganisation of the NHS the cancer services at West Hertfordshire Hospitals National Health Service Trust are scheduled to transfer to East and North Hertfordshire National Health Service Trust on the 31 March 2005. East and North Hertfordshire National Health Service Trust manage and administer a number of charitable funds for cancer and it is considered prudent that the charitable funds remain under the direction of the same NHS Trust as the cancer services. The trust property held by West Hertfordshire Hospitals National Health Service Trust will therefore transfer to East and North Hertfordshire National Health Service 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 West Hertfordshire Hospitals National Health Service 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 West Hertfordshire Hospitals National Health Service Trust to the East and North Hertfordshire National Health Service Trust.

The consultation required by Section 92(3) of the 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**

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