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STATUTORY INSTRUMENTS

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**2007 No. 557**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Lewisham Primary Care Trust  
(Transfer of Trust Property) Order 2007**

*Made* - - - - 26th February 2007  
*Laid before Parliament* 2nd March 2007  
*Coming into force* - - 1st April 2007

The Secretary of State for Health makes the following Order in exercise of the powers conferred on her by sections 92(1), 96(1) and 126(4) of the National Health Service Act 1977(1), having regard to proposed changes in the functions of the Lewisham Primary Care Trust(2).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Lewisham Primary Care Trust (Transfer of Trust Property) Order 2007 and shall come into force on 1<sup>st</sup> April 2007.

(2) In this Order—

“the Trust” means the Lewisham Primary Care Trust;

“the new trustees” means the trustees for the Guy’s and St. Thomas’ National Health Service Foundation Trust(3); and

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- (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 2003 Act”). 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. With effect from 1 March 2007, sections 92(1), 96(1) and 126(4) of the 1977 Act will be repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 ([c.43](#)) and section 92(1) will be consolidated in section 213(1) of the [National Health Service Act 2006\(c.41\)](#) (“the 2006 Consolidation Act”); section 96(1) will be consolidated in section 217(2) of the 2006 Consolidation Act; and section 126(4) will be consolidated in section 272(7) of the 2006 Consolidation Act.
- (2) Established by [S.I. 2002/1001](#).
- (3) See section 11 of the 1990 Act and [S.I. 2000/212](#) which provides for the appointment of the trustees and section 22(4) of the 2003 Act which provides that where an NHS trust for which trustees have been appointed under section 11 of the 1990 Act is authorised as an NHS foundation trust, the order appointing the trustees is to have effect as an order under section 22 of the

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“the trust property” means the property specified in the schedule of trust property prepared and agreed by the Trust and the new trustees and signed on behalf of the Trust on 28<sup>th</sup> July 2006 and on behalf of the new trustees on 6<sup>th</sup> August 2006.

**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 Trust to the new trustees.

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

Signed by authority of the Secretary of State for Health

26th February 2007

*Andy Burnham*  
Minister of Health  
Department of Health

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2003 Act providing for the appointment of trustees for the NHS foundation trust. With effect from 1 March 2007, section 11 of the 1990 Act and section 22(4) of the 2003 Act will be repealed by section 6 of, and Schedule 4 to, the 2006 Consolidation Act and section 11 of the 1990 Act will be consolidated in paragraph 10 of Schedule 4 to the 2006 Consolidation Act, and section 22(4) of the 2003 Act will be consolidated in section 51(4) of the 2006 Consolidation Act.

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## **EXPLANATORY NOTE**

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

This Order transfers to the trustees for the Guy's and St. Thomas' National Health Service Foundation Trust, trust property held by the Lewisham Primary Care 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.