
WELSH STATUTORY INSTRUMENTS

2003 No. 473 (W.63)

NATIONAL HEALTH SERVICE, WALES

**The Local Health Boards (Transfer of Property,
Rights and Liabilities) (Wales) Order 2003**

Made - - - - 28th February 2003

Coming into force - - 1st April 2003

The National Assembly for Wales, in exercise of the powers conferred by paragraphs 20 and 21 of Schedule 5B to the National Health Service Act 1977⁽¹⁾, and the property, rights and liabilities which are transferred by this Order having been identified by agreement between the health service authorities and Local Health Boards concerned pursuant to paragraph 20(2) of Schedule 5B to the 1977 Act, makes the following Order:

Title, commencement and application

1.—(1) The Order may be cited as the Local Health Boards (Transfer of Property, Rights and Liabilities) (Wales) Order 2003 and shall come into force on 1st April 2003.

(2) This Order applies to Wales only.

Interpretation

2.—(1) In this Order, unless the context otherwise requires —

“contents” (“*cynnwys*”) shall mean any item or property of whatever description which is —

- (a) the property of a health service authority immediately prior to the transfer date; and
- (b) present in or on the land described in Schedule 2 on the transfer date,

including any vehicle or moveable property which is normally kept on such land when not in use;

“Health service authority” (“*awdurdod gwasanaeth iechyd*”) shall have the meaning given in section 20(5) of Schedule 5B to the National Health Service Act 1977;

“Land” (“*tir*”) shall be construed in accordance with Schedule 1 to the Interpretation Act 1978, save that any reference to the transfer of land by virtue of this Order shall be construed as including the transfer of any contractual licence for the use of land;

“the Powys NHS Trust” (“*Ymddiriedolaeth GIG Powys*”) means the Powys Health Care National Health Service Trust established by Powys Health Care National Health Service Trust (Establishment) Order 1992(2);

“Records” (“*cofnodion*”) means any material in whatever form or medium which conveys or is capable of conveying information and which is structured by reference to —

- (a) individuals or to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible; or
- (b) any property, rights or liabilities of a health service authority, in such a way that specific information relating to particular property, rights or liabilities is readily accessible;

“Shared computer system” (“*system gyfrifiadurol a rennir*”) means computer equipment which operates as part of a single integrated computer system and which is, immediately before the transfer date, situated in or on more than one of the parcels of land specified in column 1 to Schedule 1 or column 1 to Schedule 2, and includes any information and software held on or in relation to such a system;

“Third parties” (“*trydydd partiön*”) shall have the meaning given in section 20(4) of Schedule 5B to the National Health Service Act 1977;

“the transfer date” (“*y dyddiad trosglwyddo*”) means 1st April 2003; and

“Welsh health authority” (“*awdurdod iechyd Cymreig*”) means a health authority established under the Health Authorities (Wales) Establishment Order 1996(3).

(2) Any provision in this Order transferring property shall be construed, unless the context otherwise requires, as including a reference to the transfer of any rights and liabilities of a health service authority which exist in respect of such property immediately before the transfer date.

(3) Any reference in this Order to any rights or liabilities of a health service authority includes a reference to rights or liabilities acquired or incurred by any predecessor in title of such authority.

(4) Where property, rights or liabilities of a health service authority are transferred from a health service authority to a Local Health Board by virtue of this Order, anything done by or in relation to the health service authority in connection with such property, rights and liabilities shall be treated as if it had been done by or in relation to such Local Health Board.

Transfer of land of health service authorities to Local Health Boards

3. With effect from the transfer date the land described in column 1 of Schedule 1 shall be transferred from the health service authority specified in column 2 of that Schedule to the Local Health Board specified in column 3 of that Schedule.

Transfer of contents of land from health service authorities to Local Health Boards

4.—(1) Save for the exceptions set out in paragraph (2), with effect from the transfer date the contents in or on the land specified in column 1 of Schedule 2 shall be transferred from the health service authority specified in column 2 of that Schedule to the Local Health Board specified in column 3 of that Schedule.

- (2) The exceptions to paragraph (1) are —
 - (a) any records; and
 - (b) any shared computer system.

(2) S.I. 1992/2741.

(3) S.I. 1996/146.

Transfer of Powys NHS Trust property, rights and liabilities to the Powys Local Health Board

5. With effect from the transfer date —
- (a) the land of the Powys NHS Trust specified in Schedule 3; and
 - (b) all other property, rights and liabilities of the Powys NHS Trust
- shall be transferred to the Powys Local Health Board.

Transfer of residuary property, rights and liabilities from Welsh health authorities to the Powys Local Health Board

- 6.—(1) This article applies to —
- (a) records;
 - (b) shared computer systems;
 - (c) any property, rights or liabilities of a Welsh health authority which are not transferred by virtue of any other provision of this Order.
- (2) All property, rights and liabilities to which paragraph (1) above applies shall on the transfer date be transferred from the Welsh health authorities to the Powys Local Health Board.

Determination of disputes between health service authorities

- 7.—(1) Where a dispute arises as a result of any of the transfers effected under this Order between two or more health service authorities, any one of those health service authorities may refer the dispute to the National Assembly for Wales for determination.
- (2) Where a reference is made to the National Assembly for Wales under paragraph (1) above, the Assembly may determine the dispute itself or, if it considers it appropriate, appoint a person to determine the dispute on its behalf.
- (3) By its determination of a reference under paragraph (1) above, the Assembly or, as the case may be, the person appointed under paragraph (2) above may resolve the dispute and impose binding terms upon the health service authorities involved in the dispute.
- (4) A determination of a reference under paragraph (1) above may contain such conditions (including conditions as to payment) as the Assembly or, as the case may be, the person appointed under paragraph (2) above considers appropriate to resolve the matter in dispute.

Third party rights

- 8.—(1) Where a transfer by virtue of this Order of any property, rights or liabilities operates so as to affect adversely the rights of any third party, the following provisions of this article shall apply.
- (2) The fact that any property, right or liability has been transferred by virtue of this Order is not of itself sufficient to establish that the rights of a third party have been adversely affected.
- (3) Any dispute between a third party and a health service authority, shall be determined in accordance with the provisions of the Arbitration Act 1996⁽⁴⁾ by a sole arbitrator appointed by agreement between the third party and the health service authority, or in default of such agreement, under paragraph (4).
- (4) If the third party and the health service authority fail to agree on the appointment of an arbitrator under paragraph (3), either of them may apply to the President for the time being of the

(4) 1996 c. 23.

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Chartered Institute of Arbitrators (5) to appoint an arbitrator to resolve the dispute between them in accordance with the Arbitration Act 1996.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

28th February 2003

Mike German
Deputy First Minister, Minister for Rural
Development and Wales Abroad

(5) The Chartered Institute of Arbitrators may be contacted at the International Arbitration Centre, Bloomsbury Square, London, WC1A 2LP, telephone 020 7421 744 or e-mail info@arbitrators.org.

(6) 1998 c. 38.

SCHEDULE 1

Article 3

Land to be transferred from health service authorities to Local Health Boards

Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Leasehold property at Churchill House Churchill Way Cardiff comprised in five leases	National Assembly for Wales	Powys Local Health Board
Rights of Occupation at Trenwydd Llandaff Cardiff	National Assembly for Wales	Cardiff Local Health Board
Leasehold premises at Units 17 — 18 and Units 6 and 16 Centre Court Treforest	National Assembly for Wales	Rhondda Cynon Taff Local Health Board
Leasehold premises at Triangle Business Park Merthyr	National Assembly for Wales	Merthyr Tydfil Local Health Board
Leasehold premises at 2 Stanwell Road Penarth	National Assembly for Wales	Vale Local Health Board
Rights of Occupation at St David's Hospital Carmarthen	Dyfed Powys Health Authority	Powys Local Health Board
Leasehold Premises at Glanmor Terrace	National Assembly for Wales	Carmarthenshire Local Health Board

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Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Bury Port Leasehold premises at 37 High Street Lampeter	National Assembly for Wales	Ceredigion Local Health Board
Leasehold premises at Merlins Court Haverfordwest	National Assembly for Wales	Pembrokeshire Local Health Board
Leasehold premises at Mamhilad House (Blocks A and B) Mamhilad Park Pontypool	National Assembly for Wales	Powys Local Health Board
Leasehold premises at Mamhilad House (Block C) Mamhilad Park Estate Pontypool	National Assembly for Wales	Torfaen Local Health Board
Leasehold premises at Brecon House Mamhilad Park Estate Pontypool	National Assembly for Wales	Powys Local Health Board
Leasehold premises at 16/17a Market Square Brynmawr	National Assembly for Wales	Blaenau Gwent Local Health Board
Leasehold premises at Beaufort Surgery	National Assembly for Wales	Blaenau Gwent Local Health Board

Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Beaufort Leasehold premises at Braeside Surgery Ebbw Vale	National Assembly for Wales	Blaenau Gwent Local Health Board
Leasehold premises at Brynmawr Health Centre Blaenau Road Brynmawr	National Assembly for Wales	Blaenau Gwent Local Health Board
Rights of Occupation at Chepstow Community Hospital Chepstow	National Assembly for Wales	Monmouthshire Local Health Board
Rights of Occupation at Ystrad Mynach Hospital	National Assembly for Wales	Caerphilly Local Health Board
Leasehold premises at Gilfach Surgery Gilfach	National Assembly for Wales	Caerphilly Local Health Board
Leasehold premises at Penyrheol Surgery Caerphilly	National Assembly for Wales	Caerphilly Local Health Board
Leasehold premises at Senghenydd Surgery Senghenydd	National Assembly for Wales	Caerphilly Local Health Board
Leasehold premises at Crown Building William Street Gilfach Bargoed	National Assembly for Wales	Caerphilly Local Health Board

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Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Freehold land at Crown Street Crumlin Comprised in Title Numbers: WA240532 WA275728 WA432366	National Assembly for Wales	Caerphilly Local Health Board
Rights of Occupation at St Cadoc's Hospital Caerleon	Gwent Health Authority	Newport Local Health Board
Leasehold premises at Alway Health Centre Penkin Close Alway Newport	National Assembly for Wales	Newport Local Health Board
Leasehold premises at Oldway House High Street Swansea	National Assembly for Wales	Powys Local Health Board
Leasehold premises at North Court Bridgend Industrial Estate	National Assembly for Wales	Bridgend Local Health Board
Rights of Occupation at Maesteg Hospital Maesteg	Morgannwg Health Authority	Bridgend Local Health Board

Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Leasehold interests at Britannic House Llandarcy	National Assembly for Wales	Neath/Port Talbot Local Health Board
Leasehold premises at 25 Commercial Road Resolven	National Assembly for Wales	Neath/Port Talbot Local Health Board
Leasehold premises at Kidwelly House Swansea Enterprise Park Swansea	National Assembly for Wales	Swansea Local Health Board
Leasehold premises at Raglan House Swansea Enterprise Park Swansea	National Assembly for Wales	Swansea Local Health Board
Rights of Occupation at Preswylfa Mold	North Wales Health Authority	Powys Local Health Board
Rights of Occupation at Preswylfa Mold	North Wales Health Authority	Flintshire Local Health Board
Rights of Occupation at Eryldon Caernarfon	North Wales Health Authority	Powys Local Health Board
Rights of Occupation at Eryldon	North Wales Health Authority	Gwynedd Local Health Board
Rights of Occupation at	North Wales Health Authority	Conwy Local Health Board

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Description of land and the title number (where applicable)	Health service authority in which land is vested on 31st March 2003	Local Health Board to which the land is to be transferred on 1st April 2003
Glyn Colwyn		
Colwyn Bay		
Leasehold premises at 17 High Street	National Assembly for Wales	Anglesey Local Health Board
Llangefni		
Leasehold premises at Hightown Barracks	National Assembly for Wales	Wrexham Local Health Board
Wrexham		
Rights of Occupation at The Stores	National Assembly for Wales	Powys Local Health Board
Mold Ambulance Station		
Rights of Occupation at H M Stanley Hospital	National Assembly for Wales	Denbighshire Local Health Board
St Asaph		

SCHEDULE 2

Article 4

Contents to be transferred from health service authorities to Local Health Boards

Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Leasehold property at Churchill House	National Assembly for Wales	Powys Local Health Board
Churchill Way		
Cardiff comprised in five leases		
Rights of Occupation at Trenwydd	National Assembly for Wales	Cardiff Local Health Board

Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Llandaff		
Cardiff		
Leasehold premises at Units 17 — 18 and Units 6 and 16 Centre Court	National Assembly for Wales	Rhondda Cynon Taff Local Health Board
Treforest		
Leasehold premises at Triangle Business Park	National Assembly for Wales	Merthyr Tydfil Local Health Board
Merthyr		
Leasehold premises at 2 Stanwell Road	National Assembly for Wales	Vale Local Health Board
Penarth		
Rights of Occupation at St David's Hospital	Dyfed Powys Health Authority	Powys Local Health Board
Carmarthen		
Leasehold Premises at Glanmor Terrace	National Assembly for Wales	Carmarthenshire Local Health Board
Bury Port		
Leasehold premises at 37 High Street	National Assembly for Wales	Ceredigion Local Health Board
Lampeter		
Leasehold premises at Merlins Court	National Assembly for Wales	Pembrokeshire Local Health Board
Haverfordwest		
Leasehold premises at Mamhilad House	National Assembly for Wales	Powys Local Health Board

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Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
(Blocks A and B)		
Mamhilad Park		
Pontypool		
Leasehold premises at Mamhilad House	National Assembly for Wales	Torfaen Local Health Board
(Block C)		
Mamhilad Park Estate		
Pontypool		
Leasehold premises at Brecon House	National Assembly for Wales	Powys Local Health Board
Mamhilad Park Estate		
Pontypool		
Leasehold premises at 16/17a Market Square	National Assembly for Wales	Blaenau Gwent Local Health Board
Brynmawr		
Leasehold premises at Beaufort Surgery	National Assembly for Wales	Blaenau Gwent Local Health Board
Beaufort		
Leasehold premises at Braeside Surgery	National Assembly for Wales	Blaenau Gwent Local Health Board
Ebbw Vale		
Leasehold premises at Brynmawr Health Centre	National Assembly for Wales	Blaenau Gwent Local Health Board
Blaenau Road		
Brynmawr		
Rights of Occupation at	National Assembly for Wales	Monmouthshire Local Health Board

Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Chepstow Community Hospital		
Chepstow		
Rights of Occupation at	National Assembly for Wales	Caerphilly Local Health Board
Ystrad Mynach Hospital		
Leasehold premises at	National Assembly for Wales	Caerphilly Local Health Board
Gilfach Surgery		
Gilfach		
Leasehold premises at	National Assembly for Wales	Caerphilly Local Health Board
Penyrheol Surgery		
Caerphilly		
Leasehold premises at	National Assembly for Wales	Caerphilly Local Health Board
Senghenydd Surgery		
Senghenydd		
Leasehold premises at	National Assembly for Wales	Caerphilly Local Health Board
Crown Building		
William Street		
Gilfach Bargoed		
Freehold land at	National Assembly for Wales	Caerphilly Local Health Board
Crown Street		
Crumlin		
Comprised in Title Numbers:		
WA240532		
WA275728		
WA432366		
Rights of Occupation at	Gwent Health Authority	Newport Local Health Board
St Cadoc's Hospital		

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Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Caerleon		
Leasehold premises at Alway Health Centre Penkin Close Alway Newport	National Assembly for Wales	Newport Local Health Board
Leasehold premises at Oldway House High Street Swansea	National Assembly for Wales	Powys Local Health Board
Leasehold premises at North Court Bridgend Industrial Estate	National Assembly for Wales	Bridgend Local Health Board
Rights of Occupation at Maesteg Hospital Maesteg	Morgannwg Health Authority	Bridgend Local Health Board
Leasehold interests at Britannic House Llandarcy	National Assembly for Wales	Neath/Port Talbot Local Health Board
Leasehold premises at 25 Commercial Road Resolven	National Assembly for Wales	Neath/Port Talbot Local Health Board
Leasehold premises at Kidwelly House Swansea Enterprise Park Swansea	National Assembly for Wales	Swansea Local Health Board
Leasehold premises at	National Assembly for Wales	Swansea Local Health Board

Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Raglan House		
Swansea Enterprise Park		
Swansea		
Rights of Occupation at Preswylfa	North Wales Health Authority	Powys Local Health Board
Mold		
Rights of Occupation at Preswylfa	North Wales Health Authority	Flintshire Local Health Board
Mold		
Rights of Occupation at Eryldon	North Wales Health Authority	Powys Local Health Board
Caernarfon		
Rights of Occupation at Eryldon	North Wales Health Authority	Gwynedd Local Health Board
Glyn Colwyn		
Colwyn Bay		
Leasehold premises at 17 High Street	National Assembly for Wales	Anglesey Local Health Board
Llangefni		
Leasehold premises at Hightown Barracks	National Assembly for Wales	Wrexham Local Health Board
Wrexham		
Rights of Occupation at The Stores	National Assembly for Wales	Powys Local Health Board
Mold Ambulance Station		

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Description of land where contents are situated or normally kept	Health service authority in which the contents are vested on 31st March 2003	Local Health Board to which the contents are to be transferred on 1st April 2003
Rights of Occupation at H M Stanley Hospital St Asaph	National Assembly for Wales	Denbighshire Local Health Board

SCHEDULE 3

Article 5

Land to be transferred from Powys NHS Trust to Powys Local Health Board

Description of land and title number (where applicable)

Ysbyty Broddyfi, Machynlleth	CYM13199
Llandrindod Wells Hospital	WA681837 & WA508116 (possessory)
Llanidloes District Hospital	WA681855
Montgomery County Infirmary, Newtown	WA681839
Victoria Memorial Hospital, Welshpool	WA681854
Breconshire War Memorial Hospital	WA681892
Builth Wells Cottage Hospital	WA681847 & WA731785
Knighton Hospital	WA681845
Bronllys Hospital	WA795582 (+ 1 other)
Ystradgynlais Community Hospital	WA681844
Ystradgynlais Mental Health Resource Centre, Tawelfan	WA515581
Presteigne Health Centre	Licence
Rhayader Health Clinic (to be sold)	WA681852
Llandrindod Wells Mental Health Resource Centre, The Hazels	WA681841
Welshpool Health Centre	WA681848
Mental Health Centre, Tŷ Illtyd, Brecon	WA449446
Coelbren Health Centre	WA681850
Hay on Wye Health Clinic	WA681843
Knighton Health Clinic	WA681843
Knighton OT & MH Day Centre	WA681842
Newtown Park Street Health Clinic	WA734950

Llandrindod Wells Offices (Merlin)	WA472981
Llandrindod Wells Stores (Westdene)	WA483290
Newtown District Offices, Back Lane	WA695886
The Larches, Ystradgynlais	WA740541
Ynys y Plant, Newtown	WA825644
Llandrindod Wells Hospital	WA425857

**POWYS HEALTH
CARE NHS TRUST**

APPENDIX (1) PROPERTY PORTFOLIO

Rights of Occupation	Part of Surgery at Cwmllynfell
Rights of Occupation	Part of Surgery at Pengorof
Rights of Occupation	Part of Glynneath Clinic
Rights of Occupation	Part of Surgery at Abercraf
Rights of Occupation	Part of Surgery at Brecon
Leasehold Premises	Comprising part of Sennybridge Health Centre
Leasehold Premises	Comprising part of Crickhowell Health Centre
Rights of Occupation	Part of Talgarth Surgery
Rights of Occupation	Part of Hay on Wye Surgery
Rights of Occupation	Part of Wylewm Street Surgery
Rights of Occupation	Part of Erw Vane Surgery
Rights of Occupation	Part of Rhayader Surgery
Leasehold Premises	Comprising part of Hafan Resource Centre
Rights of Occupation	Part of Presteigne Surgery
Rights of Occupation	Part of Glandŵ r Park Surgery
Rights of Occupation	Part of Llanwrtyd Wells Health Centre
Leasehold Premises	Comprising part of Llanidloes Surgery
Rights of Occupation	Part of Caersws Surgery
Rights of Occupation	Part of Machynlleth Health Centre
Rights of Occupation	Part of Glantwymyn Health Centre, Cemmaes Road
Rights of Occupation	Part of Llanfyllin Health Centre
Leasehold Premises	Comprising part of Llanfair Caereinion Health Centre

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Rights of Occupation	Part of Surgery at Welshpool
Leasehold Premises	Brynterion
Rights of Occupation	Part of Former Newtown Surgery
Rights of Occupation	Part of Newtown Medical Centre
Rights of Occupation	Part of Montgomery Medical Centre
Leasehold Premises	Comprising part of St David's House, Newtown
Leasehold Premises	Comprising part of Mochdre Unit L (Works North)
Rights of Occupation	Part of Robert Owen House, Newtown

EXPLANATORY NOTE

(This note is not part of the Order)

Under paragraphs 20 and 21 of Schedule 5B to the National Health Service Act 1977 (1977 c. 49), as amended by Schedule 4 of the National Health Service Reform and Health Care Professions Act 2002 (2002 c. 17), the National Assembly for Wales has the power to transfer (or provide for the transfer of) any of the property, rights and liabilities of a Health Authority or a National Health Service Trust in Wales to a Local Health Board.

This Order transfers —

- (a) the land and interests in land set out in Schedule 1 from the present owners to the specific Local Health Boards listed in that Schedule;
- (b) the contents of buildings or parts of buildings set out in Schedule 2 to the specific Local Health Boards listed in that Schedule;
- (c) any other property, rights and liabilities of the Welsh health authorities to the Powys Local Health Board; and
- (d) all property, rights and liabilities of the Powys Health Care National Health Service Trust established by the Powys Health Care National Health Service Trust (Establishment) Order 1992 (S.I.1992/2741) to the Powys Local Health Board.

Local Health Boards are established by the Local Health Boards (Establishment) Order 2003 (S.I. 2003/148, (W.18)).

In accordance with paragraph 20(2) of Schedule 5B to the 1977 Act, the property, rights and liabilities transferred by this Order have been identified by agreement between the health service authorities and the Local Health Boards affected by the transfers.

In accordance with the requirements in paragraph 21(3) of Schedule 5B, this Order contains provisions to safeguard the interests of third parties including, where appropriate, provision for the payment of compensation of an amount determined by an arbitrator appointed in accordance with the Arbitration Act 1996.

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The Order also provides for the resolution of any disputes between health service authorities arising as a result of any of the transfers effected by or under the Order.