EXPLANATORY MEMORANDUM TO

THE KING'S COLLEGE HOSPITAL NHS FOUNDATION TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2014

2014 No. 1387

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The purpose of the Order is to transfer property held on trust (in these cases charitable property) between NHS bodies, in particular from the body listed as transferring body in column 1 of the Schedule below to the bodies listed as relevant new Trusts in column 2 of the Schedule.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative context

4.1 The instrument has been made by the Secretary of State under sections 213, 217(2) and 272(7) and (8) of the National Health Service Act 2006. Those sections give the Secretary of State for Health power to transfer trust property between relevant health service bodies (which are defined in the section) in the circumstances laid down in that section. One of these circumstances is where there is a change or proposed change in the functions of an NHS body other than an NHS Foundation Trust (but which includes an NHS Trust), or where there is a change or proposed change in the administration of a hospital, other establishment or facility.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 South London Healthcare National Health Service Trust was dissolved on 1 October 2013 under SI 2013 No.2378. The services provided by the Trust transferred to a number of other NHS bodies. There has therefore been a change in the functions of a number of National Health Service bodies who are now providing these services. In addition, there has been a change in the administration of the hospitals that were run by South London Healthcare NHS Trust which are now being administered by the receiving bodies.

7.2 Trust property (in these cases charitable property) has been donated for the benefit of services that transferred on the dissolution of the Trust. The charitable funds held by South London Healthcare NHS Trust transferred to King's College Hospital NHS Foundation Trust as corporate Trustees as an interim measure. It is considered more appropriate for the new bodies stated below to now hold and administer the trust property related to the services, hospitals, facilities and property that have transferred and which are now administered by the new bodies. The nature and purpose of the funds transferred will not be affected by this transfer. This Order transfers the funds from the body currently holding the funds as corporate trustees to the bodies that will then become the trustees for them. The bodies involved and the reason for the transfers are set out in the table below.

Transferring body	**Receiving body**	Reason for Transfer
King's College Hospital NHS Foundation Trust	Trustees for the King's College Hospital NHS Foundation Trust namely the King's College Hospital Charity	Transfer of services upon its dissolution from South London Healthcare National Health Service Trust to King's College Hospital NHS Foundation Trust. The Foundation Trust has separate appointed Trustees and the order transfers funds held on trust between the corporate trustees of King's College Hospital NHS Foundation Trust, which had received all the charitable funds held by South London Healthcare National Health Service Trust at the time of the Trust's dissolution, and these separate trustees.
	Dartford and Gravesham National Health Service Trust	Transfer of services upon its dissolution from South London Healthcare National Health Service Trust to Dartford and Gravesham National Health Service Trust.
	Trustees for Guy's and St Thomas's NHS Foundation Trust namely the Guy's and St Thomas's Charity	Transfer of administration of services from South London Healthcare National Health Service Trust to Guy's and St Thomas's NHS Foundation Trust. These relate to care services provided at Guy's Hospitals with the Dimbleby Cancer Care charity. The receiving body has separate trustees.
	Lewisham and Greenwich National Health Service Trust	Transfer of services upon its dissolution from South London Healthcare National Health Service Trust to Lewisham and Greenwich National Health Service Trust.
	Oxleas NHS Foundation Trust	Transfer of services upon its dissolution from South London Healthcare National Health Service Trust to Oxleas NHS Foundation Trust.

8. Consultation outcome

8.1 No formal written, public consultation exercise regarding the transfer of the trust property was undertaken as it is not required under legislation. All involved parties have agreed to the transfer, and in particular the transferring body has been made aware that the transfer transfers trust property, and any rights and liabilities arising from that property, but does not transfer any personal liabilities that may arise from acting as trustee. Before any services were transferred, the NHS bodies would have had to ensure they complied with their consultation duties, such as any duties to consult the public, stakeholders, staff or local authority committees as appropriate.

9. Guidance

9.1 None

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 None. The accounts of NHS funds held on trust are submitted to the Charity Commission.

13. Contact

Chris Steele at the Department of Health, Tel 0113 254 5939 or e-mail Chris.Steele@dh.gsi.gov.uk, can answer any queries regarding the instrument.