STATUTORY INSTRUMENTS

2004 No. 2605

NATIONAL HEALTH SERVICE, ENGLAND

The Leicestershire Partnership National Health Service Trust (Transfer of Trust Property) Order 2004

Made - - - -	*5th October 2004*
Laid before Parliament	*12th October 2004*
Coming into force - -	*2nd November 2004*

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(**a**) and of all other powers enabling him in that behalf, having regard to proposed changes in the arrangements for the administration of the Leicestershire Partnership National Health Service Trust(**b**) and having consulted that Trust and the Melton, Rutland and Harborough Primary Care Trust(**c**) 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 Leicestershire Partnership National Health Service Trust (Transfer of Trust Property) Order 2004 and shall come into force on 2nd November 2004.

(2) In this Order—

"the old Trust" means the Leicestershire Partnership National Health Service Trust;

"the new Trust" means the Melton, Rutland and Harborough Primary Care Trust; and

"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 27th July 2004 and on behalf of the new Trust on 4th August 2004.

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.

(**a**) 1977 c.49 ("the 1977 Act"); section 92 was amended by section 11 (5) of the National Health Service and Community Care Act 1990 (c.19)("the 1990 Act"), by paragraph 44 of Schedule 1 to the Health Authorities Act 1995 (c.17) and by paragraph 28 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 and by paragraph 37(6) of Schedule 4 to the 1999 Act. As regards Wales, 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; this Order therefore only applies to England.

(**b**) Leicestershire and Rutland NHS Trust was established by S.I. 1998/3069, and the name of the trust was changed to Leicestershire Partnership NHS Trust by S.I. 2002/1437.

(**c**) Established by S.I. 2001/134, as amended by S.I. 2002/1405.

Signed by authority of the Secretary of State for Health

Stephen Ladyman
Parliamentary Under Secretary of State
Department of Health

5th October 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Melton, Rutland and Harborough Primary Care Trust, trust property held by the Leicestershire Partnership 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.

£3.00

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