EXPLANATORY MEMORANDUM TO

LEWISHAM PRIMARY CARE TRUST (TRANSFER OF TRUST PROPERTY) ORDER

2007 NO. 557

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 Lewisham Primary Care Trust to the trustees for Guy's and St Thomas' NHS Trust

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

3.1 These Regulations are made under powers in the National Health Service Act 1977. This Act will be consolidated with effect from 1st March 2007, before these Regulations come into force, by the National Health Service Act 2006. The Department has sought to explain in the footnotes the destination of the relevant 1977 Act powers in the 2006 Act

4 Legislative Background

4.1 The funds are held by Lewisham PCT on behalf of Lambeth PCT, Lewisham PCT and Southwalk PCT. After the transfer the administration of the funds will be undertaken by the Guys and St Thomas' Charity but the funds will be used exclusively for the staff and patients of the original PCTs, as intended.

5 Extent

5.1 This instrument applies to England.

6 European Convention on Human Rights

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

7 Policy background

7.1 Due to changes in the functions of Lewisham Primary Care Trust, it is considered more appropriate, after consultation with both the transferor Primary Care Trust and the receiving trustees, for the trustees for Guy's and St Thomas' NHS Foundation Trust to hold and administer the trust property currently held by Lewisham Primary Care Trust. It is considered that the transfer will improve the efficiency of the management and administration of the charitable property.

7.2 At the last audited date these funds amounted to £375,000. The transfer will be in the form of cash. There is no property (land, buildings, or investments) involved. The fund will transfer with identified accounts and fundholders who will be able to access the funds exclusively for the benefit of staff and patients of the original PCTs as intended.

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

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.