EXPLANATORY MEMORANDUM TO

THE NORTH WEST LONDON HOSPITALS NATIONAL HEALTH SERVICE TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2011

2011 No. 238

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 Statutory Instrument is to transfer property held on trust (charitable property) from the North West London Hospitals National Health Service Trust to the Special Trustees for the Royal National Orthopaedic Hospital National Health Service Trust.

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 section 213 of the National Health Service Act 2006. That section allows the Secretary of State for Health to transfer trust property between relevant health service bodies (which are defined in the section and which include NHS trusts – the transferor in this instrument, and special trustees, which are the transferees).

5. Territorial Extent and Application

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

- ***What is being done and why***

7.1 The Limbs Service previously provided by North West London Hospitals National Health Service Trust has transferred to the Royal National Orthopaedic Hospital National Health Service Trust, which will now provide these services. It is considered appropriate that the trust property (in this case charitable property) which has been donated for the benefit of the Limb Service is also transferred.

7.2 NHS bodies can hold trust property in two ways – either the body itself holds the funds, or the Secretary of State for Health can appoint trustees to hold the trust property. In respect of the Royal National Orthopaedic Hospital National Health Service Trust, Special Trustees have been appointed to hold trust property for it. Therefore the trust property relating to the

Limbs service will be transferred from the North West London Hospitals National Health Service Trust to the Special Trustees for the Royal National Orthopaedic Hospital National Health Service Trust to hold and administer. This is so that the relevant funds are managed by the trustees that also manage other charitable funds that have been donated to benefit the patients of the Royal National Orthopaedic Hospital National Health Service Trust. The nature and purpose of the funds transferred will not be affected.

8. Consultation outcome

8.1 No formal written, public consultation exercise was carried out as it is not required under legislation. However, the views of the Chair of both trustees have been consulted. Both parties agree to the transfer

9. Guidance

9.1 None

10. Impact

10.1 A Regulatory 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

13.1 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.