STATUTORY INSTRUMENTS

2004 No. 465

NATIONAL HEALTH SERVICE, ENGLAND

The North West Surrey Mental Health National Health Service Partnership Trust (Transfer of Trust Property) Order 2004

Made - - - -	*25th February 2004*
Laid before Parliament	*3rd March 2004*
Coming into force - -	*1st April 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 North West Surrey Mental Health National Health Service Partnership Trust(**b**) and having consulted that Trust and the North Surrey 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 North West Surrey Mental Health National Health Service Partnership Trust (Transfer of Trust Property) Order 2004 and shall come into force on 1st April 2004.

(2) In this Order—

"the old Trust" means the North West Surrey Mental Health National Health Service Partnership Trust;

"the new Trust" means the North Surrey Primary Care Trust;

"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 5th February 2004 and on behalf of the new Trust on 10th February 2004.

(**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**) Established by S.I. 1994/3173, as amended by S.I. 2002/1338.

(**c**) Established by S.I. 2002/984.

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(**a**) 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.

Signed by authority of the Secretary of State for Health

Rosie Winterton
Minister of State,
Department of Health

25th February 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the North Surrey Primary Care Trust, trust property held by the North West Surrey Mental Health National Health Service Partnership 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.

(**a**) See section 96 of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act which makes supplementary provision regarding transfers of property under section 92 of that Act.

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