EXPLANATORY MEMORANDUM TO

THE OXFORD HEALTH NHS FOUNDATION TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2014

2014 No. 1390

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 Oxford Health NHS Foundation Trust to the Trustees appointed for the Oxford University Hospitals 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, 217(2), 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 section 213) 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 The provision of Contraception and Sexual Health Services in Oxfordshire was won by tender by Oxford University Hospitals NHS Trust. Oxford Health NHS Foundation Trust held funds related to these services on trust and the trustees agreed that these should now be managed by the Trustees appointed for the Oxford University Hospitals National Health Service Trust. There has therefore been a change in the function of Oxford University Hospitals National Health Service Trust, which is now providing these services.

7.2 Trust property (in these cases charitable property) has been donated for the benefit of services that are now provided by Oxford University Hospitals National Health Service Trust. This Order transfers the funds from the body currently holding the funds as corporate trustees to the body that will then become the trustees for them.

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.

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.