EXPLANATORY MEMORANDUM TO

THE ROTHERHAM DONCASTER AND SOUTH HUMBER MENTAL HEALTH NHS FOUNDATION TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2009

2009 No. 364

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 the Rotherham Doncaster and South Humber Mental Health NHS Foundation Trust to Doncaster Primary Care Trust

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

3.1 None

4. Legislative Background

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 from one NHS body to another NHS body in the circumstances laid down in that section.

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

7.1 A number of services have been transferred from the Rotherham Doncaster and South Humber Mental Health Trust to the Doncaster Primary Care Trust. Due to the transfer of those services it is considered more appropriate, after consultation with both the transferor NHS Foundation Trust and the receiving Primary Care Trust, for Doncaster Primary Care Trust to hold and administer some of the trust property currently held by Rotherham Doncaster and South Humber Mental Health NHS Foundation Trust. The bodies agree that it is now more appropriate that the relevant transferred funds are managed by the body that also manages the services the funds have been donated to benefit. The nature and purpose of the funds transferred will not be affected. No protected assets are being transferred from the Foundation Trust to the Doncaster PCT.

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 NHS bodies (as Chair and representatives of the charitable funds 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.

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.