STATUTORY INSTRUMENTS

2002 No. 565

NATIONAL HEALTH SERVICE, ENGLAND

The South and West Devon Health Authority (Transfer of Trust Property) Order 2002

Made - - - -	*8th March 2002*
Laid before Parliament	*11th March 2002*
Coming into force	*1st April 2002*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(1) and (4) and 126(4) of the National Health Service Act 1977**(a)** and of all other powers enabling him in that behalf, having regard to changes in the area and functions of South and West Devon Health Authority and having consulted that Health Authority, the South Devon Health care National Health Service Trust and the Plymouth Hospitals National Health Service Trust 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 South and West Devon Health Authority (Transfer of Trust Property) Order 2002 and shall come into force on 1st April 2002.

(2) In this Order—

"the old Trust" means the South and West Devon Health Authority**(b)**;

"the new Trusts" means the South Devon Health care National Health Service Trust**(c)** and the Plymouth Hospitals National Health Service Trust**(d)**;

"the trust property" means the property specified in the two schedules of trust property more specifically described in paragraphs (1) and (2) of article 2 of this Order.

Transfer of trust property

2.—(1) On 1st April 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the South Devon Health care National Health Service Trust and signed on behalf of the old Trust on 30th November 2001 and on behalf of the South Devon Health care National Health Service Trust on 4th December 2001, and any rights and liabilities arising from that property**(e)**, shall be transferred from the old Trust to the South Devon Health care National Health Service Trust.

(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 extends to England.

(b) Established by SI 1996/624.

(c) Established by SI 1990/2444 (as amended by SI 1996/999).

(d) Established by SI 1993/2568.

(e) *See* section 96(1) 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.

(2) On 1st April 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Plymouth Hospitals National Health Service Trust and signed on behalf of the old Trust on 30th November 2001 and on behalf of the Plymouth Hospitals National Health Service Trust on 6th November 2001, and any rights and liabilities arising from that property**(a)**, shall be transferred from the old Trust to the Plymouth Hospitals National Health Service Trust.

3.—(1) In any trust instrument relating to the trust property, any reference to the name by which the trustees of the trust property are to be known shall be construed as a reference to the relevant new Trust and any reference to the old Trust in the name by which the charitable trust governing the trust property is to be known shall be construed as a reference to the relevant new Trust.

(2) In paragraph (1) of this article references to the relevant new Trust are to be read as references to the new Trust to which the property which is the subject of the trust instrument has been transferred under article 2 of this Order.

Signed by authority of the Secretary of State for Health

John Hutton
Minister of State,
Department of Health

8th March 2002

(a) *See* section 96(1) 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the South Devon Health care National Health Service Trust and Plymouth Hospitals National Health Service Trust trust property held by the South and West Devon Health Authority and makes related provision. A copy of the schedules specifying the trust property transferred under this Order can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

£1.50

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