EXPLANATORY MEMORANDUM TO

THE SOUTH DEVON HEALTHCARE NHS FOUNDATION TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2008
2008 No. 2784

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The purpose of the Statutory Instrument is to transfer property held on trust (charitable property) from the South Devon Healthcare NHS Foundation Trust to Devon Primary Care 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 13 of the National Health Service Act 2006. That section allows the Secretary of State 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 Due to the reorganisation of Primary Care Trusts locally in October2006 it is considered more appropriate after consultation with both the transferor NHS Foundation Trust and the receiving Primary Care Trust, for Devon Primary Care Trust to hold and administer some of the trust property currently held by South Devon Healthcare NHS Foundation Trust. It is considered that the transfer will improve the efficiency of the management and administration of the charitable property.

8. Consultation outcome

8.1 No formal written, public consultation exercise was carried out However, the views of the Chair of both NHS bodies (as Chair of the charitable funds) have been consulted, as has the Chair of Devon Partnership NHS Trust, whose charitable funds will be amongst those transferred. All 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

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.