2002 No. 2277

NATIONAL HEALTH SERVICE, ENGLAND

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

Made - - - - -	*4th September 2002*
Laid before Parliament	*5th September 2002*
Coming into force - -	*30th September 2002*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(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 changes in the area and functions of the South West Peninsula Health Authority and having consulted that Health Authority and the Cornwall Partnership 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 West Peninsula Health Authority (Transfer of Trust Property) Order 2002 and shall come into force on 30th September 2002.

(2) In this Order—

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

"the new Trust" means the Cornwall Partnership National Health Service Trust(**c**); and

"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 26th June 2002 and on behalf of the new Trust on 25th June 2002.

Transfer of trust property

2.—(1) On 30th September 2002 the trust property, and any rights and liabilities arising from that property(**d**), shall be transferred from the old Trust to the new 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 S.I. 2002/553.

(**c**) Established by S.I. 1993/813 as amended by S.I. 2002/1234.

(**d**) *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) 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 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 new Trust.

Signed by authority of the Secretary of State for Health

John Hutton
Minister of State,
Department of Health

4th September 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the Cornwall Partnership National Health Service Trust, trust property held by the South West Peninsula Health Authority 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.

£1.50

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