2001 No. 173

NATIONAL HEALTH SERVICE, ENGLAND

The Special Trustees for Newcastle University Hospitals (Transfer of Trust Property) Order 2001

Made - - - - -	*24th January 2001*
Laid before Parliament	*26th January 2001*
Coming into force - -	*1st April 2001*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(6) and 126(4) of the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, it appearing to him that the functions of the Special Trustees for the Newcastle University Hospitals(**b**) should be discharged by the trustees for Newcastle upon Tyne Hospitals National Health Service Trust(**c**) and having consulted the said Special Trustees and the trustees for the said National Health Service trust, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Special Trustees for Newcastle University Hospitals (Transfer of Trust Property) Order 2001 and shall come into force on 1st April 2001.

(2) In this Order—

"the new trustees" means the trustees for the Newcastle upon Tyne Hospitals National Health Service Trust;

"the Special Trustees" means the Special Trustees for Newcastle University Hospitals;

"the trust property" means the property specified in a schedule of trust property prepared by, agreed upon by and signed on behalf of the Special Trustees and the new trustees on 4th December 2000.

Transfer of trust property

2.—(1) On 1st April 2001 the trust property, and any rights and liabilities arising from that property(**d**), shall be transferred from the Special Trustees to the new trustees.

(**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**) *See* section 95 of the National Health Service Act 1977.

(**c**) *See* section 11 of the 1990 Act and S.I. 2000/212 as amended by S.I. 2000/3116.

(**d**) *See* section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 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 trustees and any reference to the Special Trustees in the name by which the charitable trust governing the trust property is to be known shall be construed as a reference to the Newcastle upon Tyne Hospitals National Health Service Trust.

Signed by authority of the Secretary of State for Health

John Denham
Minister of State,
Department of Health

24th January 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the trustees for the Newcastle upon Tyne Hospitals National Health Service Trust, trust property held by the Special Trustees for Newcastle University Hospitals 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.

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