EXPLANATORY MEMORANDUM TO

THE SPECIAL TRUSTEES FOR THE QUEEN'S MEDICAL CENTRE, NOTTINGHAM, UNIVERSITY HOSPITAL NATIONAL HEALTH SERVICE TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2006

2006 No. 2691

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 Special Trustees for the Queen's Medical Centre, Nottingham, University Hospital NHS Trust to the new trustees for the Nottingham University Hospitals NHS Trust.

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

3.1 None

4. Legislative Background

4.1 The Nottingham City Hospital NHS Trust ("NCH") and the Queen's Medical Centre, Nottingham, University Hospital NHS Trust ("QMC")were dissolved and replaced by the Nottingham University Hospitals NHS Trust on 1 April 06. Both bodies which are now dissolved held charitable funds but were unable to decide who should manage them after the merger. NCH's charitable funds were managed by corporate trustees and QMC's charitable funds were managed by Special Trustees.

We consulted both bodies on how the charitable funds should be managed in the future between 20 January to 10 March 2006 and it was agreed that the funds should be managed together. The Secretary of State decided that a separate body of trustees should be appointed for the Nottingham University Hospitals NHS Trust under section 11 of the NHS and Community Care Act 1990 to manage these funds. The charitable funds for NCH were transferred to the Nottingham University Hospitals NHS Trust and the Special Trustees continued to manage the QMC's funds whilst the appointments were made.

The Nottingham University Hospitals NHS Trust (Trust Funds: Appointment of Trustees) Order 2006 came into force on 20 July 2006. Following the appointment of the new trustees, this order will transfer the charitable funds held by the Special Trustees for the Queen's Medical Centre, Nottingham, University Hospital NHS Trust to the new trustees for the Nottingham University Hospitals NHS Trust. A separate order will transfer the charitable funds held by the Nottingham University Hospital NHS Trust to the new trustees.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The policy objectives are to transfer trust property, together with any rights and liabilities arising from that property, from the Special Trustees for the Queen's Medical Centre, Nottingham, University Hospital NHS Trust to the trustees for the Nottingham University Hospitals NHS Trust.

The consultation required by Section 92(6) of National Health Service Act 1977 between the Secretary of State and the Special Trustees and the section 11 trustees has taken place.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

Deborah Barnes at the Department of Health, Tel: 020 7972 2979 or e-mail: Deborah.barnes@dh.gsi.gov.uk can answer any queries regarding the instrument can answer any queries regarding the instrument.