2002 No. 2283

NATIONAL HEALTH SERVICE, ENGLAND

The Surrey and Sussex 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 Surrey and Sussex Health Authority and having consulted that Health Authority, the East Sussex County National Health Service Trust, the South Downs Health National Health Service Trust, the East Elmbridge and Mid Surrey Primary Care Trust, the Royal Surrey County Hospital National Health Service Trust, the Surrey Hampshire Borders National Health Service Trust and the North West Surrey Mental Health National Health Service Partnership 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 Surrey and Sussex 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 Surrey and Sussex Health Authority(**b**)

"the new Trust" means the East Sussex County National Health Service Trust(**c**) the South Downs Health National Health Service Trust(**d**), the East Elmbridge and Mid Surrey Primary Care Trust(**e**), the Royal Surrey County Hospital National Health Service Trust(**f**), the Surrey Hampshire Borders National Health Service Trust(**g**) or the North West Surrey Mental Health National Health Service Partnership Trust(**h**) as the context requires;

"the trust property" means the property specified in the six schedules of trust property more specifically described in paragraphs (1) to (6) of article 2 of this Order.

(**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. 1992/2534, as amended by S.I. 2002/1495.

(**d**) Established by S.I. 1991/2401, to which there are amendments not relevant to this Order.

(**e**) Established by S.I. 2002/982.

(**f**) Established by S.I. 1990/2442, as amended by S.I. 1996/2860.

(**g**) Established by S.I. 1998/501.

(**h**) Established by S.I. 1994/3173, as amended by S.I. 2002/1338.

Transfer of trust property

2.—(1) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the East Sussex County National Health Service Trust and signed on behalf of the old Trust on 4th July 2002 and on behalf of the East Sussex County National Health Service Trust on 1st July 2002, and any rights and liabilities arising from that property(**a**), shall be transferred from the old Trust to the East Sussex County National Health Service Trust.

(2) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the South Downs Health National Health Service Trust and signed on behalf of both the old Trust and the South Downs Health National Health Service Trust on 4th July 2002, and any rights and liabilities arising from that property(**b**), shall be transferred from the old Trust to the South Downs Health National Health Service Trust.

(3) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the East Elmbridge and Mid Surrey Primary Care Trust and signed on behalf of the old Trust on 6th August 2002 and on behalf of the East Elmbridge and Mid Surrey Primary Care Trust on 31st July 2002, and any rights and liabilities arising from that property(**c**), shall be transferred from the old Trust to the East Elmbridge and Mid Surrey Primary Care Trust.

(4) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Royal Surrey County Hospital National Health Service Trust and signed on behalf of the old Trust on 14th August 2002 and on behalf of the Royal Surrey County Hospital National Health Service Trust on 5th August 2002, and any rights and liabilities arising from that property(**d**), shall be transferred from the old Trust to the Royal Surrey County Hospital National Health Service Trust.

(5) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the Surrey Hampshire Borders National Health Service Trust and signed on behalf of both the old Trust and the Surrey Hampshire Borders National Health Service Trust on 14th August 2002, and any rights and liabilities arising from that property(**e**), shall be transferred from the old Trust to the Surrey Hampshire Borders National Health Service Trust.

(6) On 30th September 2002 the trust property specified in the schedule of trust property prepared and agreed upon by the old Trust and the North West Surrey Mental Health National Health Service Partnership Trust and signed on behalf of both the old Trust and the North West Surrey Mental Health National Health Service Partnership Trust on 14th August 2002, and any rights and liabilities arising from that property(**f**), shall be transferred from the old Trust to the North West Surrey Mental Health National Health Service Partnership 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.

(**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.
(**b**) *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.
(**c**) *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.
(**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.
(**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.
(**f**) *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 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

4th September 2002

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the East Sussex County National Health Service Trust, the South Downs Health National Health Service Trust, the East Elmbridge and Mid Surrey Primary Care Trust, the Royal Surrey County Hospital National Health Service Trust and the Surrey Hampshire Borders National Health Service Trust and the North West Surrey Mental Health National Health Service Partnership Trust, trust property held by the Surrey and Sussex 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.

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E1409 9/2002 121409 19585

ISBN 0-11-042757-2

9 780110 427577