EXPLANATORY MEMORANDUM TO THE

SURREY HAMPSHIRE BORDERS NATIONAL HEALTH SERVICE TRUST (TRANSFER OF TRUST PROPERTY) ORDER 2005

2005 No. 444

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 Surrey Hampshire Borders National Health Service Trust to the North Hampshire Primary Care Trust. This instrument is made under sections 92(1), 96(1) and 126(4) of the National Health Service Act 1977.

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

3.1 None

4. Legislative Background

4.1 Due to dissolution of the Surrey Hampshire Borders National Health Service Trust and following local consultation it is proposed that the trust property currently held by Surrey Hampshire Borders National Health Service Trust is transferred to the North Hampshire Primary Care Trust.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

The Minister for Health has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Surrey Hampshire Borders National Health Service Trust (Transfer of Property) Order are compatible with the Convention rights.

7. Policy background

7.1 The policy objectives are to transfer property, together with any rights and liabilities arising from that property, from Surrey Hampshire Borders National Health Service Trust to the North Hampshire Primary Care Trust.

The consultation required by Section 92(3) of Health Service Act 1977 between the Secretary of State and the bodies concerned 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.