SCOTTISH STATUTORY INSTRUMENTS

2004 No. 285

The National Health Service (Transfer of Property between Health Boards) (Scotland) (No 2) Regulations 2004

Conditions of transfer, and vesting of, former Trust property

2. The conditions subject to which a Health Board ("the transferor") may, under section 5(4) of the Act, transfer former Trust property to another Health Board ("the transferee"), and such property may be vested in the transferee, are–

(a) that the consideration for the transfer shall be such as may be agreed between the transferor and the transferee;

(b) that the property transferred, and any income from the property, can only be used for purposes consistent with the purposes for which the former Trust property is held and those purposes shall be notified by the transferor to the transferee before the transfer takes place;

(c) that the property shall be transferred back to the transferor on such date as may be agreed between the transferor and the transferee but this is without prejudice to the provisions of section 5(5) of the Act (which makes provision for the property to be transferred back in certain circumstances); and

(d) that the property shall only be transferred with the consent of the Scottish Ministers and for this purpose, the transferor shall, not less than 28 days before the proposed date of transfer of the property, inform the Scottish Ministers in writing of–

   (i) the name of the transferee;

   (ii) the property to be transferred;

   (iii) an estimate of the capital value of the property to be transferred as at the date of the notification;

   (iv) the reason for the proposed transfer;

   (v) the proposed consideration for the transfer as agreed between the transferor and the transferee;

   (vi) the purposes for which the property to be transferred or any income from it can only be used; and

   (vii) the date on which, subject to section 5(5) of the Act, it is agreed between the transferor and the transferee that the property would be transferred back.