

**EXPLANATORY MEMORANDUM TO THE
THE SUNDERLAND TEACHING PRIMARY CARE TRUST (TRANSFER OF
TRUST PROPERTY) ORDER**

2005 No.456

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 Sunderland Teaching Primary Care Trust to South of Tyne and Wearside Mental Health National Health Service 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 or the Select Committee on Statutory Instruments

3.1 None

4 Legislative Background

4.1 Due to changes in the functions of the Sunderland Teaching Primary Care Trust and following local consultation it is proposed that the trust property currently held by Sunderland Teaching Primary Care Trust is transferred to South of Tyne and Wearside Mental Health National Health Service 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 Sunderland Teaching Primary Care Trust (Transfer of Property) Order are compatible with the Convention rights.

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 Sunderland Teaching Primary Care Trust to the South of Tyne and Wearside Mental Health National Health Service Trust.

The consultation required by Section 92(3) of the National 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

Karen Swarbrick at the Department of Health, Tel 0113 2546608 or e-mail karen.swarbrick@dh.gsi.gov.uk, can answer any queries regarding the instrument.