

**EXPLANATORY MEMORANDUM TO
THE BUCKINGHAMSHIRE PRIMARY CARE TRUST (TRANSFER OF TRUST
PROPERTY) ORDER 2011**

2011 No. 253

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 The purpose of the Order is to transfer property held on trust (charitable property) from the Buckinghamshire Primary Care Trust to Buckinghamshire Healthcare National Health Service Trust.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative context**
 - 4.1 The instrument has been made by the Secretary of State under section 213 of the National Health Service Act 2006. That section allows the Secretary of State for Health to transfer trust property between relevant NHS bodies (which are defined in the section) and which include Primary Care trusts (the transferor in this instrument) and National Health Service trusts (the transferee) in the circumstances laid down in that section.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - *What is being done and why*
 - 7.1 Under the “transforming community services” programme, Primary Care Trusts are divesting their provider services to ensure that Primary Care Trusts separate the commissioning of services from their provision. Under the programme, some of these community services have transferred to existing NHS bodies. All of the provider services previously part of Buckinghamshire Primary transferred to Buckinghamshire Healthcare National Health Service Trust on 1 November 2010. It is considered more appropriate for Buckinghamshire Healthcare National Health Service Trust to now hold and administer the trust property related to the services that have transferred and for which the funds have been donated to benefit. The nature and purpose of the funds transferred will not be affected. This Order transfers the funds to the body (the Buckinghamshire Healthcare National Health Service Trust) that will then be the corporate trustees for them.

8. Consultation outcome

8.1 No formal written, public consultation exercise was undertaken as it is not required under legislation. Both parties have agreed to the transfer.

9. Guidance

9.1 None

10. Impact

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

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 None. The accounts of NHS funds held on trust are submitted to the Charity Commission.

13. Contact

13.1 Chris Steele at the Department of Health, Tel 0113 254 5939 or e-mail Chris.Steele@dh.gsi.gov.uk, can answer any queries regarding the instrument.