

2014 No. 2849

NATIONAL HEALTH SERVICE, ENGLAND

The Mid Staffordshire NHS Foundation Trust (Dissolution and Transfer) Order 2014

<i>Made</i>	- - - -	<i>22nd October 2014</i>
<i>Laid before Parliament</i>		<i>24th October 2014</i>
<i>Coming into force</i>	- -	<i>1st November 2014</i>

Monitor makes the following Order in exercise of the powers conferred by sections 65LA(3) and 272(7) and (8) of the National Health Service Act 2006(a).

Monitor makes this Order as the Secretary of State is satisfied as mentioned in section 65KB(1) of the National Health Service Act 2006(b) and the action recommended in the final report of the trust special administrators appointed to Mid Staffordshire NHS Foundation Trust(c) is to dissolve the trust.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mid Staffordshire NHS Foundation Trust (Dissolution and Transfer) Order 2014.

(2) This Order comes into force on 1st November 2014.

(3) In this Order—

“the Schedule” means the document entitled “Schedule of property and liabilities of Mid Staffordshire NHS Foundation Trust”, dated 22nd October 2014 and signed by the trust, University Hospital of North Staffordshire NHS Trust(d) and The Royal Wolverhampton NHS Trust (e)(f);

“the transfer date” means 1st November 2014; and

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- (a) 2006 c. 41. Section 65LA was inserted by section 177(6) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”). See section 275(1) of the National Health Service Act 2006 (“the 2006 Act”) as amended by paragraph 11 of Schedule 13 to the 2012 Act for the definition of “the regulator”.
- (b) Section 65KB(1) was inserted by section 177(2) of the 2012 Act.
- (c) Established by the Mid-Staffordshire General Hospitals National Health Service Trust (Establishment) Order 1992 (S.I. 1992/2558) and authorised as an NHS foundation trust by Monitor on 1st February 2008 pursuant to section 35 of the 2006 Act. Trust special administrators were appointed to Mid Staffordshire NHS Foundation Trust on 16th April 2013 pursuant to the Mid Staffordshire NHS Foundation Trust (Appointment of Trust Special Administrators) Order 2013 (S.I. 2013/808). The final report of the trust special administrators, pursuant to section 65I of the 2006 Act, was published on 18th December 2013. Section 65I was inserted by section 16 of the Health Act 2009 (c.21); section 65I is amended by s.179(6) of the 2012 Act, but that provision is not yet in force.
- (d) Established by the North Staffordshire Hospital Centre National Health Service Trust (Establishment) Order 1992 (S.I. 1992/2559), amended by S.I. 1993/713, 2003/792, 2009/3085 and 2013/593.
- (e) Established by the Royal Wolverhampton Hospitals National Health Service Trust (Establishment) Order 1993 (S.I. 1993/2574), amended by S.I. 2009/3086, 2012/1837 and 2013/593.
- (f) A copy of the Schedule is available for inspection at: Monitor, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

“the trust” means Mid Staffordshire NHS Foundation Trust.

Dissolution

2. On 1st November 2017 the trust is dissolved.

Transfer of property etc.

3.—(1) All the property and liabilities to which the trust is entitled or subject immediately before the transfer date (including the property and liabilities set out in the Schedule), transfer on the transfer date to the Secretary of State^(a).

(2) Paragraph (1) does not apply to the obligation to prepare the outstanding accounts of the trust.

Signed by authority of Monitor

22nd October 2014

David Bennett
Chief Executive
Monitor

(a) Criminal liabilities cannot be transferred to the Secretary of State and provision is not being made to transfer those liabilities to another NHS foundation trust. See section 65LA of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the dissolution of Mid Staffordshire NHS Foundation Trust on 1 November 2017. The Order also provides for the property, rights and liabilities of the trust, save for criminal liabilities, to transfer to the Secretary of State on 1 November 2014. During the period from the transfer date until the dissolution date, the trust will cease to provide health care services, but will continue to exist for the purpose of preserving the trust's criminal liabilities and allowing them to be dealt with appropriately.

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