
WELSH STATUTORY INSTRUMENTS

2008 No. 1720 (W.166)

THE NATIONAL HEALTH SERVICE, WALES

**The Conwy and Denbighshire National Health Service Trust
(Transfer of Staff, Property, Rights and Liabilities) Order 2008**

Made - - - - 30 June 2008
Coming into force - - 1 July 2008

The Welsh Ministers in exercise of powers conferred by section 203(9) and (10) and paragraph 29 of Schedule 3 to the National Health Service (Wales) Act 2006(1); after completion of statutory consultation as prescribed under paragraph 29(4) of that Act(2), hereby make this Order.

Title, Commencement and Interpretation

1.—(1) The title of this Order is the Conwy and Denbighshire National Health Service Trust (Transfer of Staff, Property, Rights and Liabilities) Order 2008 and it comes into force on 1 July 2008.

(2) In this Order, unless the context otherwise requires:

“the old trust” (“*yr hen ymddiriedolaeth*”) means Conwy and Denbighshire National Health Service Trust established on 4 January 1999;

“the transfer date” (“*y dyddiad trosglwyddo*”) means the 1 July 2008;

“the new trust” (“*yr ymddiriedolaeth newydd*”) means the North Wales National Health Service Trust established on 25 June 2008.

Transfer of employees to the transferee

2.—(1) Subject to paragraph (3), any person who immediately before the transfer date, was employed by the old trust shall have their contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.

(2) Without prejudice to paragraph (1) above —

(1) [2006 c. 42](#)

(2) National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 1996, [S.I. 1996/563](#), which continues to have effect by virtue of paragraph 1(2) of Schedule 2 to the National Health Service (Consequential Provisions) Act [2006 c. 43](#).

- (a) all the rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies will, by virtue of this article, be transferred to the new trust on the transfer date;
- (b) anything done before that date by, or in relation to, the old trust in respect of that contract or that employee, will be deemed from the transfer date to have been done by, or in relation to, the new trust.

(3) Paragraphs (1) and (2) are without prejudice to any right of any employee to terminate his or her contract of employment if a substantial change is made to his or her detriment in his or her working conditions, but no such right shall arise by reason only of the change in employer effected by this article.

Transfer of property, rights and liabilities

3. On the transfer date all the property, rights and liabilities of the old trust, not referred to in article 2 above, shall be transferred to the new trust, including without limitation—

- (a) the duty to prepare the outstanding accounts of the old trust and to perform all statutory duties relating to those accounts;
- (b) the trust property of the old trust listed in Schedule 1.
- (c) the charities of the old trust listed in Schedule 2.

Transfer of functions of the old trust to the new trust

4. With effect from the transfer date, all the functions of the old trust are transferred to the new trust.

30 June 2008

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers

SCHEDULE 1

Article 3(b)

<i>Property</i>	<i>Tenure</i>	<i>Title number where applicable</i>
Conwy and Denbighshire National Health Service Trust		
Hospital		
Colwyn Bay Community Hospital	Freehold	WS744530
Denbigh Community Hospital	Freehold	WA560785
		WA591765
HM Stanley Hospital	Freehold	CYM62366
Llangollen Community Hospital	Freehold	WA827673
Prestatyn Community Hospital	Freehold	WA690439
Royal Alexandra Hospital	Freehold	WA703736
Ruthin Community Hospital	Freehold	WA690446
Glan Clwyd Hospital	Freehold	WA703136
		CYM357076
Health Clinics/Centres		
Corwen Health Centre	Freehold	WA693351
Llanfairfechan Health Centre	Freehold	WA750507
Llangollen Health Centre	Freehold	WA703727/
		WA690435
St Asaph Health Centre	Freehold	WA703721
Abergele Clinic, Market Street, Abergele, Conwy LL22 7BP	Freehold	
Argyll Road Clinic	Freehold	WA789174
Cerrigydrudion Clinic, Kings Road, Cerrigydrudion, Denbighshire LL21 9SU	Leasehold	
Conwy Clinic, Muriau Buildings, Rosehill Street, Conwy LL32 8LD	Minor Occupancy Rights	
Fforddlas Clinic,	Freehold	WA690455
Kinmel Bay Clinic, 57 Foryd Road, Kinmel Bay, Conwy LL18 5BB	Leasehold	

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<i>Property</i>	<i>Tenure</i>	<i>Title number where applicable</i>
Llanrwst Clinic	Freehold	WA755331
Maes Derw Clinic	Freehold	WA750501
Prestatyn Clinic	Freehold	WA690461
Rhyddlan Clinic and Children's Centre	Freehold	WA360773 WA339587 WA690475
Ruthin Clinic	Freehold	WA690466
Mental Health Units		
Bodnant EMI Unit	Freehold	WA789167
Colwyn Bay Child & Adolescent Unit, Cedar Court, 65 Victoria Road, Colwyn Bay, Conwy LL29 7AJ	Leasehold	
Colwyn Bay MHRC	Freehold	WA766562
Dyffryn Clwyd CMHT	Freehold	WA703734
Glan Traeth EMI/Hafod MHRC	Freehold	WA603520
Lawnside Child and Family Services	Freehold	WA441521 WA867292
Oakleigh	Freehold	WA748893
Roslin MHRC	Freehold	WA751007
Tan-Y-Castell, Mwrog Street, Ruthin, LL15 1LE	Leasehold	
Trefeirian Day Centre	Freehold	WA820256
Other		
Ruthin District Nurses Team, Plas Meddyg, Station Road, Ruthin, Denbighshire LL15 1BP	Leasehold	
Unit 81, Bowen Court, St Asaph Business Park, St Asaph, Denbighshire, LL17 0JE	Leasehold	
Units 100 and 101 Bowen Court, St Asaph Business Park, St Asaph, Denbighshire, LL17 0JE	Leasehold	

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<i>Property</i>	<i>Tenure</i>	<i>Title number where applicable</i>
North Wales Business Support Partnership, Alder House, Alder Court, St Asaph Business Park, St Asaph, Denbighshire, LL17 0JE	Leasehold	
Welsh Health Legal Services, Unit 17, Lambourne Crescent, Llanishen, Cardiff	Leasehold	
Welsh Health Legal Services, Bevan House, Lambourne Crescent, Llanishen, Cardiff, CF14 5BG.	Leasehold	

SCHEDULE 2

Article 3(c)

The Conwy and Denbighshire NHS Trust General Charitable Fund (including all subsidiary charities) — Charity Number 1047989.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of staff from Conwy and Denbighshire National Health Service Trust to the North Wales National Health Service Trust from the 1 July 2008.

This Order also provides for the transfer of all property, rights and liabilities of Conwy and Denbighshire National Health Service Trust to be transferred to the North Wales National Health Service Trust on 1 July 2008.