
WELSH STATUTORY INSTRUMENTS

2008 No. 926 (W.89)

THE NATIONAL HEALTH SERVICE, WALES

The Swansea National Health Service Trust (Transfer of staff, Property, Rights and Liabilities) Order 2008

Made - - - - 28 March 2008
Coming into force - - 1 April 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 consultation as prescribed under paragraph 29(4) of Schedule 3 to that Act⁽²⁾, hereby make this Order.

Title, Commencement and Interpretation

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

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

“new trust” (“*ymddiriedolaeth newydd*”) means the Abertawe Bro Morgannwg University National Health Service Trust established on 12 March 2008;

“old trust” (“*hen ymddiriedolaeth*”) means Swansea National Health Service Trust established on 4 January 1999⁽³⁾;

“transfer date” (“*dyddiad trosglwyddo*”) means the 1 April 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 his or her contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.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.1996/653, which continue to have effect by virtue of paragraph 1(2) of Schedule 2 to the [National Health Service \(Consequential Provisions\) Act 2006. c.43.](#)

(3) Swansea (1999) National Health Service Trust was established on 4 January 1999 by the Swansea (1999) National Health Service Trust (Establishment) Order 1998 (S.I. 1998/3315) and its name changed to Swansea National Health Service Trust on 17 May 1999 by the Swansea (1999) National Health Service (Change of Name) Order 1999 (S.I. 1999/1321).

- (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 arises 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, are 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 the Schedule.

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.

28 March 2008

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

SCHEDULE

Article 3(b)

<i>Property</i>	<i>Tenure (and title number where applicable)</i>
Swansea National Health Service Trust	
Hospital	
Cefn Coed	Freehold (WA787048)
Clydach	Freehold (WA788486)
Fairwood	Freehold (WA702267)
Garngoch	Freehold (WA88518)
Gellinudd	Freehold (WA772142)
Gorseinon	Freehold (WA753877)
Hill House	Freehold (WA702266)
Morrison	Freehold (WA772157)
Singleton	Freehold (WA702265)
Singleton West of Sketty Lane	Freehold (WA293221)
Health Centres	
Clydach	Freehold (WA788486)
Penclawdd	Freehold (WA787081)
Clinics	
Bonymaen	Freehold (WA787062)
Central Clinic	Freehold (WA245563)
Cwmbwrla	Freehold (WA787106)
Gorseinon	Freehold (WA788494)
Morrison	Freehold (WA772157)
Murton	Freehold (WA787094)
Norton Villa	Leasehold (WA870392)
Pontardulais	Freehold (WA787066)
Mental Health	
Orchard Centre, Swansea	Leasehold (WA517503)
Ty Einon, Gorseinon	Freehold (WA438440)
Phillips Parade Offices & Wetsfa	Freehold (WA790049)
Miscellaneous	
Clos George Morgan plots 1-47, Morrison Hospital	Freehold (Included in Morrison above)
Fforest Industries, Carmarthen Road, Swansea	Leasehold (WA647208)
Strom Team, Walter Road, Swansea	Leasehold (CYM256849)
Phoenix Centre, Unit 10, Townhill Swansea	Leasehold
Arc Centre, Broughton Avenue, Swansea	Leasehold

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Property</i>	<i>Tenure (and title number where applicable)</i>
Newid Centre, Caernarfon Way, Swansea	Leasehold
Courtney Street, Manselton, Swansea	Leasehold (CYM276439)
Oldway Centre 7th Floor, Swansea	Leasehold (CYM245479)
695 Llangyfelach Road, Swansea	Leasehold (CYM256849)
Llansamlet Laundry	Freehold (WA54254)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of staff from Swansea National Health Service Trust to the Abertawe Bro Morgannwg University National Health Service Trust from the 1 April 2008.

This Order also provides for the transfer of all property, rights and liabilities of Swansea National Health Service Trust to be transferred to the Abertawe Bro Morgannwg University National Health Service Trust on 1 April 2008.