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WELSH STATUTORY INSTRUMENTS

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**2008 No. 927 (W.90)**

**THE NATIONAL HEALTH SERVICE, WALES**

**The Bro Morgannwg 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<sup>(1)</sup> after completion of consultation as prescribed under paragraph 29(4) of Schedule 3 to that Act<sup>(2)</sup>, hereby make this Order.

**Title, Commencement and Interpretation**

1.—(1) The title of this Order is the Bro Morgannwg 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 Bro Morgannwg National Health Service Trust established on 4 January 1999;

“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her contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.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 —

(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;

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(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.](#)

(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>
<b>Bro Morgannwg National Health Service Trust</b>	
<b>Hospital</b>	
Cimla	Freehold (WA788547)
Glanrhyd (including Caswell Clinic)	Freehold (WA683580)
Maesgwyn	Freehold (WA723641)
Maesteg	Freehold (WA69691)
Neath Port Talbot	Freehold (WA634236)
Princess of Wales	Freehold (WA683500)
Tonna	Freehold (WA787072)
<b>Health Centres</b>	
Blaengwynfi	Freehold (WA535702)
Briton Ferry	Freehold (WA788469)
Cowbridge	Freehold
Cymmer	Freehold (WA788542)
Glyncorwg	Freehold (WA787088)
Llantwit Major	Freehold (WA767960)
Neath	Freehold (WA788533)
Port Talbot	Freehold (WA787096)
<b>Clinics</b>	
Aberkenfig	Freehold (WA683571)
Baglan	Freehold (WA787058)
Bryncethin	Freehold (WA683576)
Bryntirion, Bridgend	Freehold (WA683609)
Caerau	Freehold (WA683614)
Cymmer, Croeserw	Freehold (WA788467)
Cwmafan	Freehold (WA788552)
Glynneath	Freehold (WA788540)
Gwaun Cae Gurwen	Freehold (WA902057)
Kenfig Hill	Freehold (CYM229523)
North Cornelly	Freehold (WA683624)
Ogmore Vale	Freehold (CYM16926)
Pencoed	Freehold (WA683602)
Pontcymmer	Freehold (WA683622)
Port Talbot	Freehold (WA788011)

*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>
Quarella Road, Bridgend	Freehold (CYM18893)
Resolven	Freehold (WA788558)
Skewen Cefn Park	Freehold (WA787103)
Ystalyfera	Freehold (WA788580)
<b>Learning Disabilities</b>	
The Briary Bungalow, Ely, Cardiff	Freehold (WA887948)
Bryn Afon Bungalow, Ferndale	Freehold (WA142507)
Dan y Bont Bungalow, Kenfig Hill	Freehold (WA103201, WA950795 & WA944101)
Dan y Deri Bungalow, Morriston	Freehold (WA788490)
Hafod y Wennol Assessment Centre, Hensol	Freehold (CYM101833)
The Laurels Bungalow, Ely, Cardiff	Freehold (WA887948)
Letty Newydd Bungalow, Whitchurch	Freehold (CYM23543)
Llwyneryr Assessment Centre	Freehold (WA788490)
Meadow Court Bungalow, Tonyrefail	Freehold (WA336282 & CYM75532)
Rowan House Assessment Unit, Ely, Cardiff (and part of adjoining Park View Health Centre)	Leasehold
Swyn yr Afon Bungalow, Seven Sisters	Freehold (WA142507)
Ty Penfro Bungalow, Canton, Cardiff	Freehold (WA404686)
Ty Garth Newydd Bungalow, Church Village	Freehold (CYM66004)
<b>Mental Health</b>	
Brackla House CMHT, Bridgend	Leasehold
Forge MHRC, Port Talbot	Freehold (WA536914)
Gelli Gron CMHT Base, Pontardawe	Leasehold
Porthcawl CMHT, 267 New Road, Porthcawl	Freehold (WA586819)
<b>Miscellaneous</b>	
Units 22 & 23, Baglan Industrial Estate	Leasehold
Bevan House, Welsh Health Supplies, Llanishen	Leasehold
7a Boverton Road, Llantwit Major	Leasehold
Unit 81, Bowen Court, St Asaph	Leasehold
Central Sotres, Princess of Wales Hospital	Freehold (WA38604)
1 Commercial Street, Ogmore Vale	Leasehold
Unit 3, Cowbridge Court, Cardiff	Leasehold
Denbigh Stores, Clwyd	Freehold (CYM312486)

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<i>Property</i>	<i>Tenure (and title number where applicable)</i>
16/18 Derwen Road, Bridgend	Leasehold
Dulais Valley Primary Care Centre	Leasehold
10/11 Ffordd yr Hen Gae, Bocam Park, Pencoed	Leasehold
Glynteg House, Ely, Cardiff	Leasehold
Innovation House, Llanharan	Leasehold
Unit 16, Lambourne Crescent, Llanishen	Leasehold
North Road Stores, Bridgend Industrial Estate	Leasehold
Pontardawe Primary Care Centre	Leasehold
Quarella Road, Trust HQ Offices, Bridgend	Freehold (WA683598)
Sbectrwn Centre, Fairwater, Cardiff	Leasehold
45/47 South Road Porthcawl	Leasehold
Unit 2, Talbot Green Business Park	Leasehold

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#### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

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