
WELSH STATUTORY INSTRUMENTS

2009 No. 1558 (W.153)

NATIONAL HEALTH SERVICE, WALES

The National Health Service Trusts (Transfer of Staff, Property, Rights and Liabilities) (Wales) Order 2009

Made - - - - 24 June 2009
Coming into force - - 1 October 2009

The Welsh Ministers in exercise of powers conferred on them by sections 18 and 203(9) and (10) of 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 Schedule 3 to that Act⁽²⁾ make this Order.

Title, Commencement and Interpretation

1.—(1) The title of this Order is the National Health Service Trusts (Transfer of Staff, Property, Rights and Liabilities) (Wales) Order 2009 and it comes into force on 1 October 2009.

(2) In this Order;

“new Boards ” (“*Byrddau newydd*”) are the Local Health Boards listed in column 2 of the Schedule;

“old trusts” (“*hen ymddiriedolaethau*”) are the National Health Service trusts listed in column 1 of the Schedule;

“relevant new Board” (“*Bwrdd newydd perthnasol*”) means in relation to an old trust specified in column 1 of the Schedule, the new Board which is specified in column 2 of that Schedule;

“transfer date” (“*dyddiad trosglwyddo*”) means the 1 October 2009.

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 has his or her contract of employment transferred to the relevant new Board on the transfer date and that contract will have effect as if originally made between the person so employed and the relevant new Board.

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

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

(2) The 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.

Status: This is the original version (as it was originally made).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

- (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 relevant new Board 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 relevant new Board.

(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 and, in so far as not referred to in article 2, the rights and liabilities of the old trusts are transferred to the relevant new Boards, including without limitation the duty to prepare the outstanding accounts of the old trusts and to perform all statutory duties relating to those accounts.

24 June 2009

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

SCHEDULE

Article 1(2)

<i>Column 1</i> Old Trust	<i>Column 2</i> New Board(3)
Cwm Taf National Health Service Trust(4)	Cwm Taf Local Health Board
Hywel Dda National Health Service Trust(5)	Hywel Dda Local Health Board
Abertawe Bro Morgannwg University National Health Service Trust(6)	Abertawe Bro Morgannwg University Local Health Board
North Wales National Health Service Trust (7)	Betsi Cadwaladr University Local Health Board
North West Wales National Health Service Trust(8)	Betsi Cadwaladr University Local Health Board
Gwent HealthCare National Health Service Trust(9)	Aneurin Bevan Local Health Board
Cardiff and Vale National Health Service Trust(10)	Cardiff and Vale University Local Health Board

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

This Order provides for the transfer on 1 October 2009 of staff, property, rights and liabilities from the National Health Service Trusts dissolved by the National Health Service Trusts (Dissolution) (Wales) Order (S.I.2009/1306 (W. 117)) to the new Local Health Boards established by the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/ 778 (W.66)).

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- (3) **Established by virtue of the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009 (S.I. 2009/ 778 (W. 66)).**
- (4) S.I. 2008/717 (W. 76).
- (5) S.I. 2008/712 (W. 73).
- (6) S.I. 2008/716 (W. 75).
- (7) S.I. 2008/1648 (W. 160).
- (8) S.I. 1998/3314.
- (9) S.I. 1998/3321.
- (10) S.I. 1999/ 3451.