
WELSH STATUTORY INSTRUMENTS

2008 No. 922 (W.87)

THE NATIONAL HEALTH SERVICE, WALES

The North Glamorgan 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 statutory 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 North Glamorgan 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;

“the old trust” (“*yr hen ymddiriedolaeth*”) means the North Glamorgan National Health Service Trust established on 19 February 1996;

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

“the new trust” (“*yr ymddiriedolaeth newydd*”) means the Cwm Taf National Health Service Trust established on 12 March 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their contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.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 1996/653](#), 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](#).

- (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 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.

28 March 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>Land Registry</i>
North Glamorgan National Health Service Trust		
Hospital		
Aberdare General	Freehold	WA794503
Mountain Ash	Freehold	WA794490
Prince Charles	Freehold	WA794505
St Tydfil's	Freehold	WA794584
Health Clinics/Centres		
Abercynon Health Centre, Ynysmeurig Road, Abercynon, Rhondda Cynon Taff, CF45 4SU	Leasehold	
Aberdare	Freehold	WA794527
Aberfan	Freehold	WA794484
		WA794534484
Campsie House, Merthyr	Freehold	WA794534
Hirwaun	Freehold	WA707946
Hollies	Freehold	WA794547
Seymour Berry	Freehold	WA794517
Treharris	Freehold	WA794595
Other		
Unit 7A, Cyfarthfa Industrial Estate, CF47 8PE	Leasehold	

SCHEDULE 2

Article 3(c)

The North Glamorgan NHS Trust General Charitable Fund (including all subsidiary charities)—
Charity Number 1060880.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of staff from the North Glamorgan National Health Service Trust to the Cwm Taf National Health Service Trust from the 1 April 2008.

Status: *This is the original version (as it was originally made).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

This Order also provides for the transfer of all property, rights and liabilities of the North Glamorgan National Health Service Trust to be transferred to the Cwm Taf National Health Service Trust on 1 April 2008.