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WELSH STATUTORY INSTRUMENTS

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**2008 No. 931 (W.91)**

**THE NATIONAL HEALTH SERVICE, WALES**

**The Carmarthenshire 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 Carmarthenshire 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 Hywel Dda National Health Service Trust established on 12 March 2008.

“old trust” (“*hen ymddiriedolaeth*”) means Carmarthenshire 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her contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.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 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 (and title number where applicable)</i>
<b>Hospital</b>	
Amman Valley Hospital	Freehold (WA830179)
Llandovery Hospital	Freehold (WA824588)
Mynydd Mawr Hospital	Freehold (WA791307)
Prince Philip Hospital	Freehold (WA253967)
West Wales General Hospital	Freehold (WA854392) Freehold (WA851840) Freehold (CYM8170)
<b>Health Centres</b>	
Cross Hands Health Centre	Freehold (WA750262)
Dental Services, Cross Hands Health Centre	Leasehold
Llwynhendy Health Centre	Leasehold
<b>Clinics</b>	
Pond Street Clinic, Carmarthen	Freehold (WA824587)
Elizabeth Williams Clinic, Llanelli	Freehold (WA293483) & (CYM93884)
<b>Miscellaneous</b>	
Arrangements to utilise Police Authority Interview Suite at West Wales General Hospital	Leasehold
Occupation of St David's Hospital site — blocks 01,07 and 19	Leasehold
39, Bronwydd Road, Carmarthen	Freehold (WA816889)
Catering Services Facility at Bryntirion, Llanelli	Leasehold
Crèche Facilities at Prince Philip Hospital	Leasehold
3 Dolgwili Road, Carmarthen	Freehold (WA750254)
18, Hafod Cwnin, Carmarthen	Freehold (WA774375)
Suite 3, Tudor House, Coychurch, Bridgend	Leasehold
Ty Arthur, West Wales General Hospital	Leasehold
Ty Cymorth, 1 Bronwydd Road, Carmarthen	Freehold (WA750257)

## SCHEDULE 2

Article 3(c)

The Carmarthenshire NHS Trust General Charitable Fund (including all subsidiary charities) — Charity Number 1049213.

**Status:** This is the original version (as it was originally made).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

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## **EXPLANATORY NOTE**

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

This Order provides for the transfer of staff from Carmarthenshire National Health Service Trust to the Hywel Dda National Health Service Trust from the 1 April 2008.

This Order also provides for the transfer of all property, rights and liabilities of Carmarthenshire National Health Service Trust to be transferred to the Hywel Dda National Health Service Trust on 1 April 2008.