



# National Health Service (Wales) Act 2006

## 2006 CHAPTER 42

### PART 11

#### PROPERTY AND FINANCE

#### CHAPTER 3

##### PROPERTY TRANSFERRED UNDER THE NATIONAL HEALTH SERVICE ACT 1946

#### **166 Transferred property free of trusts**

- (1) The Welsh Ministers may use any property—
  - (a) which is vested in them, and
  - (b) to which section 219 of the National Health Service Act 2006 (c. 41) applies, for the purpose of any of their functions under this Act.
- (2) But the Welsh Ministers must so far as practicable secure that the objects for which any such property was used immediately before the transfer mentioned in subsection (1) of that section are not prejudiced by the exercise of the power conferred by this section.

#### **167 Trust property previously held for general hospital purposes**

- (1) This section applies to property—
  - (a) transferred under section 23 of the National Health Service Reorganisation Act 1973 (c. 32) (winding-up of hospital endowment funds), or
  - (b) transferred under section 24 of that Act (transfer of trust property from abolished authorities) and which immediately before the day appointed for the purposes of that section was, in accordance with any provision contained in or made under section 7 of the National Health Service Act 1946 (c. 81), applicable for purposes relating to hospital services or relating to some form of research,

---

*Status: This is the original version (as it was originally enacted).*

---

including any such property which has been further transferred under section 92 of the National Health Service Act 1977 (c. 49).

- (2) This section continues to apply to any such property after any further transfer under section 161 or 162.
- (3) The person holding the property after the transfer or last transfer must secure, so far as is reasonably practicable, that the objects of any original endowment, and the observance of any conditions attached to that endowment, including in particular conditions intended to preserve the memory of any person or class of persons, are not prejudiced by this Part of this Act.
- (4) “Original endowment” means a hospital endowment which was transferred under section 7 of the National Health Service Act 1946 and from which the property in question is derived.
- (5) Subject to subsection (3), the property must be held on trust for such purposes relating to hospital services (including research), or to any other part of the health service associated with any hospital, as the person holding the property considers appropriate.
- (6) Where the person holding the property is a body of special trustees, the power conferred by subsection (5) must be exercised as respects the hospitals for which they are appointed.

## **168 Voluntary hospitals**

- (1) Subsection (2) applies where—
  - (a) any hospital provided by the Welsh Ministers in accordance with this Act was a voluntary hospital transferred by virtue of the National Health Service Act 1946, and
  - (b) the character and associations of that hospital before its transfer were such as to link it with a particular religious denomination.
- (2) Regard must be had in the general administration of the hospital to the preservation of that character and those associations.