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STATUTORY INSTRUMENTS

2001 No. 792

NATIONAL HEALTH SERVICE, ENGLAND

The Special Trustees for the Former United Birmingham Hospitals (Transfer of Trust Property) No 2 Order 2001

<i>Made</i>	- - - -	<i>7th March 2001</i>
<i>Laid before Parliament</i>		<i>8th March 2001</i>
<i>Coming into force</i>	- -	<i>1st April 2001</i>

The Secretary of State for Health, in exercise of the powers conferred on him by sections 92(6) and 126(4) of the National Health Service Act 1977⁽¹⁾ and of all other powers enabling him in that behalf, it appearing to him that the functions of the Special Trustees for the Former United Birmingham Hospitals⁽²⁾ should be discharged by the trustees for the University Hospital Birmingham National Health Service Trust, the trustees for the Birmingham Children's Hospital National Health Service Trust⁽³⁾, the Birmingham Women's Healthcare National Health Service Trust, the Birmingham Specialist Community Health National Health Service Trust and the South Birmingham Mental Health National Health Service Trust and having consulted the said Special Trustees and the trustees for the said National Health Service trusts and the said National Health Service trusts, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Special Trustees for the Former United Birmingham Hospitals (Transfer of Trust Property) No 2 Order 2001 and shall come into force on 1st April 2001.

(2) In this Order—

“the relevant new trustees” means—

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- (1) [1977 c. 49](#) (“the 1977 Act”), section 92 was amended by section 11(5) of the National Health Services and Community Care Act 1990 ([c. 19](#)) (“the 1990 Act”) by paragraph 44 of Schedule 1 to the Health Authorities Act 1995 ([c. 17](#)) and by paragraph 28 of Schedule 4 to the Health Act 1999 ([c. 8](#)) (“the 1999 Act”); section 126(4) was amended by section 65(2) of the 1990 Act and by paragraph 37(6) of Schedule 4 to the 1999 Act. As regards Wales, the functions of the Secretary of State under the above mentioned powers are transferred to the National Assembly for Wales under article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999 [S.I. 1999/672](#) as amended by section 66(5) of the 1999 Act; this Order therefore only extends to England.
- (2) See section 95 of the National Health Service Act 1977.
- (3) See section 11 of the 1990 Act and [S.I. 2000/212](#) as amended by [S.I. 2000/3116](#).

- (a) in relation to the trust property specified in the relevant schedule as transferring to the trustees for the University Hospital Birmingham National Health Service Trust, those trustees;
- (b) in relation to the trust property specified in the relevant schedule as transferring to the trustees for the Birmingham Children’s Hospital National Health Service Trust, those trustees;
- (c) in relation to the trust property specified in the relevant schedule as transferring to the Birmingham Women’s Healthcare National Health Service Trust, that trust;
- (d) in relation to the trust property specified in the relevant schedule as transferring to the Birmingham Specialist Community Health National Health Service Trust, that trust;
- (e) in relation to the trust property specified in the relevant schedule as transferring to the South Birmingham Mental Health National Health Service Trust, that trust;

“the relevant Schedule” means the Schedule, relating to the transfer of trust property from the Special Trustees to the relevant new trustees under this order, prepared by, agreed upon by and signed on behalf of the Special Trustees and those relevant new trustees and dated 12th January 2001;

“the Special Trustees” means the Special Trustees for the Former United Birmingham Hospitals;

“the relevant trust property” means the trust property specified in the relevant schedule as transferring to the relevant new trustees.

Transfer of trust property

2.—(1) On 1st April 2001 the relevant trust property, and any rights and liabilities arising from that property(4), shall be transferred from the Special Trustees to the relevant new trustees.

(2) In any trust instrument relating to the relevant trust property, any reference to the name by which the trustees of the relevant trust property are to be known shall be construed as a reference to the relevant new trustees.

Signed by authority of the Secretary of State for Health

7th March 2001

John Denham
Minister of State,
Department of Health

(4) See section 96(1) of the 1977 Act as amended by paragraph 29 of Schedule 4 to the 1999 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers to the trustees for the University Hospital Birmingham National Health Service Trust, the trustees for the Birmingham Children's Hospital National Health Service Trust, the Birmingham Women's Healthcare National Health Service Trust, the Birmingham Specialist Community Health National Health Service Trust and the South Birmingham Mental Health National Health Service Trust, trust property held by the Special Trustees for the Former United Birmingham Hospitals and makes related provision. A copy of the schedules of trust property transferred under this Order can be obtained from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

This Order replaces the Special Trustees for the Former United Birmingham Hospitals (Transfer of Trust Property) Order 2001 which was revoked before it came into force by the Special Trustees for the Former United Birmingham Hospitals (Transfer of Trust Property) No 2 Order 2001.