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

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of employment transferred to the relevant new Board on the transfer date and that contract will have effect as if originally made between the person so employed and the relevant new Board.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