WELSH STATUTORY INSTRUMENTS

2008 No. 1721 (W.167)

THE NATIONAL HEALTH SERVICE, WALES

The North East Wales National Health Service Trust (Transfer of Staff, Property, Rights and Liabilities) Order 2008

Made - - - -	*31 January 2008*
Coming into force - -	*1 July 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 that Act(**2**), hereby make this Order.

Title, Commencement and Interpretation

1.—(1) The title of this Order is the North East Wales National Health Service Trust (Transfer of Staff, Property, Rights and Liabilities) Order 2008 and it comes into force on 1 July 2008.

(2) In this Order, unless the context otherwise requires:

"the new trust" ("*yr ymddiriedolaeth newydd*") means the North Wales National Health Service Trust established on 25 June 2008.

"the old trust" ("*yr hen ymddiriedolaeth*") means North East Wales National Health Service Trust established on 4 January 1999

"the transfer date" ("*y dyddiad trosglwyddo*") means the 1 July 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their contract of employment transferred to the new trust on the transfer date and that contract will have effect as if originally made between the person so employed and the new trust.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 —

(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;

(**1**) 2006 c. 42.

(**2**) National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 1996, S.I 1996/563, which continues 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 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 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.

Edwina Hart
Minister for Health and Social Services, one of the Welsh Ministers

30 June 2008

SCHEDULE 1 Article 3(b)

Property	*Tenure*	*Title number where applicable*
North East Wales National Health Service Trust		
Maelor Hospital, Croesnewydd Road, Wrexham, LL13 7TD	Freehold	WA870737 CYM42719 CYM237895 CYM338301 CYM402467
ALAC, Croesnewydd Road, Wrexham, LL13 7TD	Leasehold	WA577800
Wrexham Medical Institute, Wrexham Technology Park, Croesnewydd Road, Wrexham, LL13 7TD	Leasehold	WA735281
Community Hospitals		
Chirk Community Hospital, Off John's Street, Chirk, LL14 5LN	Freehold	WA690433
Deeside Community Hospital, Plough Lane, Aston, Deeside, CH5 1XS	Freehold	WA665892 WA665897 WA665896 WA8800203
Flint Community Hospital, Cornist Road, Flint, CH6 5HG	Freehold	WA703713
Mold Community Hospital, Ash Grove, Mold, CH7 1XG	Freehold	WA690437
Holywell Community Hospital, Halkyn Road, Holywell, CH8 7TZ	Freehold	WA703333
Penley Rehab Hospital, Whitchurch Road, Penley, LL13 0LH	Freehold	CYM128343
Coed Celyn, and Swn Y Coed, Grove Road, Wrexham, LL11 1DY	Freehold	WA784910