
Changes to legislation: National Health Service (Wales) Act 2006, Cross Heading: Transfer of property and liabilities to NHS trusts is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

NHS TRUSTS ESTABLISHED UNDER SECTION 18

PART 1

CONSTITUTION, ESTABLISHMENT, ETC

Transfer of property and liabilities to NHS trusts

- 9 (1) The Welsh Ministers may by order transfer, or provide for the transfer of, any of the property and liabilities of ^{F1}... ^{F2}... a Special Health Authority, a Local Health Board, or the Welsh Ministers, to an NHS trust, with effect from any date as may be specified in the order.
- (2) An order under this paragraph may create or impose such new rights or liabilities in respect of what is transferred or what is retained as appear to the Welsh Ministers to be necessary or expedient.
- (3) Nothing in this paragraph affects the power of the Welsh Ministers or any power of a ^{F3}... ^{F4}... Special Health Authority or Local Health Board to transfer property or liabilities to an NHS trust otherwise than under sub-paragraph (1).
- (4) Stamp duty is not chargeable in respect of any transfer to an NHS trust effected by or by virtue of an order under this paragraph.
- (5) Where an order under this paragraph provides for the transfer—
- (a) of land held on lease from a third party, or
 - (b) of any other asset leased or hired from a third party or in which a third party has an interest,
- the transfer is binding on the third party notwithstanding that, apart from this sub-paragraph, it would have required his consent or concurrence.
- (6) “Third party” means a person other than the Welsh Ministers, ^{F5}... ^{F6}... a Special Health Authority or a Local Health Board.
- (7) Any property and liabilities which—
- (a) belong to, or are used or managed by, a ^{F7}... Special Health Authority or Local Health Board ^{F8}..., and
 - (b) will be transferred to an NHS trust by or by virtue of an order under this paragraph,
- must be identified by agreement between the ^{F7}... ^{F9}... Special Health Authority or Local Health Board and the NHS trust or, in default of agreement, by direction of the Welsh Ministers.

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- (8) Where, for the purpose of a transfer pursuant to an order under this paragraph, it becomes necessary to apportion any property or liabilities, the order may contain such provisions as appear to the Welsh Ministers to be appropriate for the purpose.
- (9) Where any such property or rights fall within sub-paragraph (5), the order must contain such provisions as appear to the Welsh Ministers to be appropriate to safeguard the interests of third parties, including, where appropriate, provision for the payment of compensation of an amount to be determined in accordance with the order.
- (10) In the case of any transfer made by or pursuant to an order under this paragraph, a certificate issued by the Welsh Ministers that any property specified in the certificate or any such interest in or right over any such property as may be so specified, or any right or liability so specified, is vested in the NHS trust specified in the order is conclusive evidence of that fact for all purposes.
- (11) An order under this paragraph may include provision for matters to be settled by arbitration by a person determined in accordance with the order.
- (12) Sub-paragraph (11) does not affect section 203(10).

Textual Amendments

- F1** Words in Sch. 3 para. 9(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F2** Words in Sch. 3 para. 9(1) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F3** Words in Sch. 3 para. 9(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(b)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F4** Words in Sch. 3 para. 9(3) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(b)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F5** Words in Sch. 3 para. 9(6) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(c)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F6** Words in Sch. 3 para. 9(6) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(c)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in Sch. 3 para. 9(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(d)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F8** Words in Sch. 3 para. 9(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(d)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** Words in Sch. 3 para. 9(7) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 21 para. 40(6)(d)(iii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 201A-201C inserted by [2017 c. 23 s. 9](#)
- s. 201C(2) words substituted by [2018 c. 12 Sch. 19 para. 118\(2\)](#)
- s. 201C(4) inserted by [2018 c. 12 Sch. 19 para. 118\(3\)](#)
- Sch. 7 para. 1(2A) inserted by [2009 c. 21 s. 32\(3\)](#)