
WELSH STATUTORY INSTRUMENTS

2004 No. 550 (W.54)

**HEALTH CARE AND ASSOCIATED
PROFESSIONS, WALES**

The Health Professions Wales (Transfer of Staff,
Property, Rights and Liabilities) Order 2004

Made - - - - 2nd March 2004
Coming into force - - 1st April 2004

The National Assembly for Wales, in exercise of powers conferred by sections 5(2) and 8 of the Health (Wales) Act 2003(1), hereby makes the following Order:

Title, commencement and interpretation

1.—(1) This order may be cited as the Health Professions Wales (Transfer of Staff, Property, Rights and Liabilities) Order 2004 and comes into force on 1st April 2004.

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

“the Assembly” (“*y Cynulliad*”) means the National Assembly for Wales;

“contents” (“*cynnwys*”) means any item or property of whatever description which is —

- (a) the property of the Assembly immediately prior to the transfer date; and
- (b) present in or on the land described in the Schedule hereto on the transfer date;

“HPW” (“*PIC*”) means Health Professions Wales(2);

“land” (“*tir*”) shall be construed in accordance with Schedule 1 to the Interpretation Act 1978(3), save that any reference to the transfer of land by virtue of this order shall be construed as including the transfer of any contractual licence for the use of land;

“records” (“*cofnodion*”) means any material in whatever form or medium which conveys or is capable of conveying information and which is structured by reference to—

- (a) individuals or to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible; or

(1) 2003 c. 4.

(2) Health Professions Wales was established by the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004 S.I. 2004/551 (W.55).

(3) 1978 c. 30.

(b) any property, rights or liabilities of the Assembly, in such a way that specific information relating to particular property, rights or liabilities is readily accessible;

“relevant employee” (“*cyflogai perthnasol*”) means a person —

(a) whose contract of employment with the Assembly has not terminated before the transfer date (whether by expiry of notice, effluxion of time or otherwise): and

(b) who has been offered and has accepted before the transfer date employment with HPW;

“the transfer date” (“*y dyddiad trodglwyddo*”) means 1st April 2004.

(3) Any provision in this order transferring property shall be construed, unless the context otherwise requires, as including a reference to the transfer of any rights and liabilities of the Assembly which exist in respect of such property immediately before the transfer date.

(4) Where property, rights or liabilities of the Assembly are transferred to HPW by virtue of this Order, anything done by or in relation to the Assembly in connection with such property, rights and liabilities shall be treated as if it had been done by or in relation to HPW.

Transfer of land from the Assembly to HPW

2. With effect from the transfer date the land described in the Schedule hereto shall be transferred from the Assembly to HPW.

Transfer of contents etc from the Assembly to HPW

3. With effect from the transfer date the contents in or on the land specified in the Schedule hereto, and all other property, rights and liabilities and records relating thereto to which the Assembly is entitled or subject, at the coming into force of this Order, in connection with the exercise before that date of functions vested in HPW by virtue of the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004(4) shall be transferred from the Assembly to HPW.

Transfer of relevant employees to HPW

4.—(1) With effect from the transfer date, a contract of employment between a relevant employee and the Assembly shall be treated as if it had originally been made between the relevant employee and HPW.

(2) With effect from the transfer date, records relating to relevant employees shall be transferred from the Assembly to HPW.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5).

2nd March 2004

D. Elis-Thomas
Presiding Officer of the National Assembly

(4) S.I 2004/551 (W.55)

(5) 1998 c. 38.

SCHEDULE

Articles 2 and 3

The land to which this Order applies

Office premises on 2nd floor of Golate House St Mary's Street Cardiff comprised in a lease dated the 9th October 1997 and made between Dovey Estates Ltd (1) and Welsh National Board for Nursing Midwifery and Health Visiting and the Secretary of State for Wales (2)

EXPLANATORY NOTE

(This note is not part of the Order)

Health Professions Wales (“HPW”) is established by the Health Professions Wales (Establishment, Membership, Constitution and Functions) Order 2004 (S.I.2004/551 (W.55)) for the purpose of undertaking functions on behalf of the National Assembly for Wales in relation to health care professions and health care support workers.

Under section 5 (2) of the Health (Wales) Act 2003, the National Assembly for Wales may, by order, transfer to HPW, for the purposes of enabling or assisting HPW to carry out functions on behalf of the Assembly, property, rights and liabilities and persons employed in connection with any of those functions.

This order transfers the land and contents of the Assembly specified in the Schedule to HPW (articles 2 and 3) and also effect the transfer of certain staff employed by the Assembly to HPW (article 4).