
WELSH STATUTORY INSTRUMENTS

2010 No. 1147 (W.102)

NATIONAL HEALTH SERVICE, WALES

**The Welsh Ministers (Transfer of Property,
Rights and Liabilities) (Wales) Order 2010**

Made - - - - - *30 March 2010*

Coming into force - - - - - *1 April 2010*

The Welsh Ministers, in exercise of the powers conferred on them by sections 11 and 203(9) and (10) of and paragraph 22 of Schedule 2 to the National Health Service (Wales) Act 2006⁽¹⁾, make the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Welsh Ministers (Transfer of Property, Rights and Liabilities) (Wales) Order 2010 and it comes into force on 1 April 2010.

(2) This Order applies to Wales.

Interpretation

2. In this Order unless the context otherwise requires—

“the former Health Commission Wales” (“*cyn Gomisiwn Iechyd Cymru*”) means Health Commission Wales which was responsible until the 31 March 2010 for exercising the commissioning functions of the Welsh Ministers in Wales in relation to the specialist and tertiary care services listed in Annex 1 to the Welsh Health Specialised Services Committee (Wales) Directions 2009 which were made on 1 October 2009;

“the HCW office” (“*swyddfa CIC*”) means Unit 3a Caerphilly Business Park, Caerphilly, CF83 3ED;

“the LHB” (“*y BILP*”) means Cwm Taf Local Health Board established by the Local Health Boards (Establishment and Dissolution) (Wales) Order 2009⁽²⁾; and

“the transfer date” (“*y dyddiad trosglwyddo*”) means 1 April 2010.

(1) 2006 c. 42.
(2) S.I.2009/778 (W.66).

Transfer of Property, Rights and Liabilities

3. Subject to article 4 of this Order, all property, rights and liabilities of the Welsh Ministers relating to the activities of the former Health Commission Wales are transferred to and vest in the LHB on the transfer date.

Excepted Property, Rights and Liabilities

4. The property, rights and liabilities mentioned in articles 3 and 5 do not include any property, rights or liabilities of the Welsh Ministers—

- (a) in relation to a leasehold interest of the HCW office pursuant to a lease dated 4 August 2003 between (1) Anthony Record and I.P.M SIPP Limited and (2) the National Assembly for Wales; or
- (b) in relation to information technology equipment or programmes, telephone systems or a photocopier at the HCW office or under any contract for the supply, use or maintenance of any information technology equipment or programmes, telephone systems or a photocopier at the HCW office.

Enforceability of Rights

5. Subject to article 4, any right that was, immediately before the transfer date enforceable by or against the Welsh Ministers in relation to the former Health Commission Wales is, on or after that date, enforceable by or against the LHB.

Provision for continuity in the exercise of functions

6.—(1) Anything done on or before 31 March 2010 by or in relation to the Welsh Ministers relating to the former Health Commission Wales is treated as having been done by or in relation to the LHB.

(2) Any appeal or other matter which on or before 31 March 2010 was being considered by the Welsh Ministers in relation to the former Health Commission Wales will be considered by the LHB in accordance with any Directions made by the Welsh Ministers.

Transfer of documents

7. The property in all documents (including documents in an electronic form) in possession or control of the Welsh Ministers in relation to the former Health Commission Wales will transfer and vest in the LHB on the transfer date.

30 March 2010

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

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides, subject to certain specified exceptions, for the transfer on 1 April 2010 of property, rights and liabilities of the Welsh Ministers in relation to the former Health Commission Wales to Cwm Taf Local Health Board.