

## **REGULATORY APPRAISAL**

### **THE DYFED POWYS HEALTH AUTHORITY AND GWENT HEALTH AUTHORITY (TRANSFER OF TRUST PROPERTY) ORDER 2004**

#### **Purpose and intended effect of the measure**

1. Upon abolition of the Health Authorities on 31<sup>st</sup> March 2003 residual charitable fund balances remained outstanding at both Gwent and Dyfed Powys Health Authorities. These now need to be transferred by a section 92 order in accordance with the 1977 NHS Act to nominated successor bodies in order to allow the successor bodies to expend or invest the funds.

#### **Risk Assessment**

2. The only risk is not transferring the funds to new bodies as they will remain frozen and will not be able to be utilised.

#### **Options**

3. There is only one practical option and that is to transfer the funds to bodies nominated by the trustees of the abolished health authorities.

#### **Benefits**

4. Upon transfer the funds can be legally expended.

#### **Costs**

5. There are no costs to the Welsh Assembly Government or charitable funds in proceeding with this proposal.

#### **Competition assessment**

6. Not applicable.

#### **Consultation**

7. The transfer to successor bodies has come from the trustees of the abolished authorities. Therefore it is not appropriate to subject the issue to consultation, as the responsibility and authority for deciding where the funds are allocated resided with the former directors of the Health Authorities.

#### **Significant costs**

8. There are no costs associated with this proposal.

#### **Review**

9. When the transfer has been completed the funds will be included in the annual accounts which are audited by Audit Commission in Wales appointed auditors.

#### **Summary**

10. The legal transfer is imperative to allow the donated funds to be utilised for the purposes they were given: to support NHS services. The most significant risk is not

proceeding with the proposal because the funds will continue to be frozen to the nominated successor NHS bodies.