

**PCT ESTATES: FUTURE OWNERSHIP AND
MANAGEMENT OF ESTATE IN THE
OWNERSHIP OF
PRIMARY CARE TRUSTS
in England**

DONATED ASSETS ADDENDUM

1. Paragraph 5.2 of the Guidance PCT Estates: Future ownership and management of estate in the ownership of Primary Care Trusts in England published on 4 August 2011 provided that further guidance would be issued in relation to government grant reserves and donated and charitable assets. This addendum contains this further guidance. The addendum should be read in conjunction with the Guidance NHS Funds Held on Trust: Guidance on acceptance, management and transfer of charitable funds for NHS bodies July 2011.

2. Aspirant CFTs, other NHS Trusts and FTs are to be given the opportunity to acquire parts of the PCT estate deemed ‘service critical clinical infrastructure’.

3. Assets including land and buildings and cash may be donated to a PCT either to be held on trust and to be used in accordance with the terms of the trust, which are generally charitable, (‘charitable assets’) or simply given/donated without restriction.

4. Where assets are donated to a PCT (or other NHS body) without restriction they will belong to the PCT who is free to treat or deal with them as with any other asset that belongs to it.
5. Where land and buildings are charitable assets they must be managed separately and will be held by a PCT as a corporate trustee unless a separate body of trustees have been appointed.
6. Where charitable assets have been donated to a PCT and are deemed 'service critical clinical infrastructure' provided there is no restriction imposed on the land and buildings at the time of donation that would prevent otherwise, it is possible for such charitable assets to be transferred from a PCT (or the separate trustee body holding the asset on behalf of the PCT) to an NHS Trust or FT or other NHS body. The recipient NHS Trust or FT would similarly be required to hold the land and buildings as a trustee.
7. The transfer of charitable assets will, depending on the circumstance and the recipient, generally be by way of Secretary of State transfer order or statutory instrument. Further details on the method of transfer are contained in the Guidance NHS Funds Held on Trust: Guidance on acceptance, management and transfer of charitable funds for NHS bodies July 2011.
8. There is no legislative provision that enables the Secretary of State to transfer charitable assets to non-NHS bodies such as a social enterprises or local authorities.

9. It should be noted that there are no longer donated asset reserves or government grant reserves following an amendment to the Treasury FReM, the reserves having now transferred to individual Trusts' I&E reserves.