

From the office of David Flory CBE  
Deputy NHS Chief Executive  
Gateway reference number: 17722 ROCR:12/2144MAND

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31 May 2012

To: SHA Cluster Chief Executives  
PCT Cluster Chief Executives

Dear Colleague

### **Planning for Property and Estates Transfers**

I am writing to inform you of the requirements and timetable for the property and estates transfers, as part of the implementation of the Health and Social Care Act. This exercise requires the transfer of PCT and SHA properties to either NHS providers<sup>1</sup> or NHS Property Services Ltd (NHS PS)<sup>2</sup> by 31<sup>st</sup> March 2013.

The transfer of properties will be completed through the Property Transfer Schemes made under provision in the Health and Social Care Act (Section 300(2), Schedule 22). The proposed transfer date whereby property, assets and liabilities will move to new organisations is 31<sup>st</sup> March 2013. To enable an orderly and effective transfer, all Property Transfer Scheme documentation will need to be completed and authorised by 31<sup>st</sup> December 2012.

SHAs and PCTs will need legal advisers to provide professional support, particularly in identifying the property, assets, rights and liabilities to be transferred. Please forward legal contact details to the Department ([tina.liddell@dh.gsi.gov.uk](mailto:tina.liddell@dh.gsi.gov.uk)) by no later than 6<sup>th</sup> July 2012, so that the Department is able to provide the contact details to the relevant NHS provider and to NHS PS.

The operational use of properties being transferred must not be affected by this exercise, which is solely related to the transfer of property ownership.

It is proposed that contracts relating to single properties, transfer with those properties, directly to NHS providers or NHS PS, as appropriate. Where contracts relate to multiple properties, with more than one transfer destination,

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<sup>1</sup> See announcement dated 4<sup>th</sup> August 2011 and guidance PCT Estate: Future ownership and management of estate in the ownership of Primary Care Trusts in England

<sup>2</sup> See link below for Ministerial Statement dated 25<sup>th</sup> January 2012 re establishment of NHS Property Services Ltd  
<http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120125/wmstext/120125m0001.htm>


the contracts should be transferred to NHS PS, prior to reaching agreement with providers in relation to shared benefit and liability in each case.

Where contracts expire at or close to 1<sup>st</sup> April 2013, SHAs and PCTs should follow the guidance in my letter of 16<sup>th</sup> February 2011, 'Directions concerning all transactions involving property 2011' (Gateway Ref 15582<sup>3</sup>).

Ensuring the smooth transfer of properties to new bodies is a key responsibility of SHAs and PCTs during 2012/13 and they will need to ensure that appropriate contracts are in place to ensure continuity, and that any contract entered into during 2012/13 reflects the operational requirements beyond April 2013 of the respective properties.

The timetable of action required between now and 1<sup>st</sup> April 2013 together with key contacts is attached at annex A.

Yours sincerely



**David Flory**  
**Deputy NHS Chief Executive**

This collection has been approved by the Review of Central Returns Steering Committee - ROCR.

The ROCR reference number is: ROCR/12/2144MAND

This is for a one-off collection from PCTs.

The Licence Expiry Date for this Collection is: 16 April 2013

For further information please contact [rocr@ic.nhs.uk](mailto:rocr@ic.nhs.uk).

The ROCR team are keen to receive feedback on central data collections from the colleagues who complete/submit returns. In particular, around the length of time data collections take to complete and any issues, suggested improvements or duplication of data collections. Feedback can be submitted to ROCR using an online form:

<http://www.ic.nhs.uk/webfiles/Services/ROCR/Data%20Collection%20Feedback%20Template.xls>

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<sup>3</sup> [http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_124382.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_124382.pdf)

## Annex A

### Summary of Key Dates

<b>Date</b>	<b>Action Required</b>
8 June 2012	Guidance notes issued for planning for property and estates transfers
6 July 2012	SHAs/PCTs must provide the Department with details of their appointed legal advisers
31 July 2012	Searches of the Index of Proprietors Names completed
31 July 2012	Details for split site arrangements to be provided to the Department
31 August 2012	Index Map searches to be undertaken
14 September 2012	Draft Property Transfer Schedules to be provided to the Department
15 October 2012	Replies to Property and PCT/SHA enquiries to be completed and returned
15 November 2012	Property Transfer Scheme schedules to be finalised
31 December 2012	Property Transfer Scheme finalised and signed off
31 March 2013	Property Transfer Schemes completed. Transfer of all PCT and SHA property

### Key Contacts

Ms Tina Liddell (DH Property Lawyer) - [tina.liddell@dh.gsi.gov.uk](mailto:tina.liddell@dh.gsi.gov.uk)

General queries - [pctestatedata@dh.gsi.gov.uk](mailto:pctestatedata@dh.gsi.gov.uk)