



NHS Management Executive  
St. Andrew's House  
Edinburgh EH1 3DG  
29 April 1996  
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27 April 1996

Dear Colleague

TRANSFER OF HERITABLE PROPERTY TO NHS TRUSTS

Summary

1. This letter reminds colleagues of the special case secondary timetable general deadline of 1 June 1996 [MEL(1995)80 Appendix 3 refers] and consequently seeks colleagues' active co-operation in ensuring that all appropriate information is passed to the Solicitor acting for the Trust within the Asset Transfer Unit (ATU) by that date.

2. I know that you have many other important issues to deal with but I am sure that you will appreciate that everyone involved in the title transfer process is working to a very demanding schedule. Accordingly, if the necessary information is not made available by the deadline then, subject to advice from the ATU on the implications for the transfer timetable, the terms of paragraph 7 Annex A to MEL(1995)80 will apply.

Action

3. Chief Executives are asked to ensure that the actions required to enable the transfers of title all as set out in MEL(1995)80 are taken timeously.

Addressees

For action:  
Chief Executives,  
NHS Trusts

For information:  
General Managers,  
Health Boards

General Manager,  
Common Services Agency

General Manager,  
State Hospitals Board  
for Scotland

General Manager  
Health Education Board  
for Scotland

Executive Director,  
SCPMDE

Enquiries to:

Roderick McCallum  
Building and Estates Adviser  
Directorate of Trusts  
St Andrew's House  
EDINBURGH EH1 3DG

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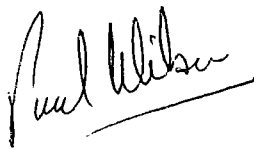
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**Further Information**

4. The ATU have advised that the need for cost neutral leases (CNLs) has been identified in a number of cases but most have not been completed and some apparently not even progressed. As you know the information needed to prepare CNLs should have been sent to Roderick McCallum by 28 August 1995 [MEL(1995)47 Annex B refers]. It is no longer practicable for the Scottish Office Solicitor's Office to prepare the draft where the required information has not been provided by the date of this letter. Accordingly in such circumstances the major user Trust should now assume responsibility for preparing the CNL with advice from CLO or other legal advisers being taken by the parties, ie both NHS bodies. The model CNL provided under cover of MEL(1995)47 should continue to be used as the template. The cost (if any) of preparing the CNL must now be borne by the major user Trust. Once agreed by the parties it should be sent to Mr McCallum not later than 31 May 1996.

5. The ATU should not be consulted on the drawing up of CNL's as this does not fall within its remit. Trusts may, of course, consult the appropriate CLO solicitor for advice on CNL's and instruct CLO to draft CNL's based on information provided by them.

Yours sincerely



PAUL WILSON  
Director of Trusts

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