



NHS Management Executive
St. Andrew's House
Edinburgh EH1 3DG
9 September 1996
Telephone 0131-244
Fax 0131-244 2323

Dear Colleague

TRANSFER OF HERITABLE PROPERTY TO NHS TRUSTS

Summary

1. Annex A to this letter advises colleagues of the position at 1 August 1996; of necessary consequent actions as previously set out in MEL(1996)40 and MEL(1995)80; and of measures now taken by the Management Executive to minimise the impact on individual Trusts of those actions.

Action

2. Chief Executives are asked to ensure that everything possible is done to assist the ATU in its execution of the transfer programme; and where nevertheless the responsibility for the transfer of title becomes the more immediate responsibility of a Chief Executive that the transfer of title is still completed by 31 March 1997.

Yours sincerely

PAUL WILSON
Director of Trusts

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

Tel: 0131-244 2079
Fax: 0131-244 2323

COMMON SERVICES AGENCY	
RECEIVED	
10 SEP 1996	
FILE No	
REFERRED TO	ACTION TAKEN
ls 219	

ISD LIBRARY B044
Common Services Agency
NHS in Scotland
Trinity Park House
South Trinity Road
Edinburgh EH5 3SQ

TRANSFER OF HERITABLE PROPERTY TO NHS TRUSTS

Programme Timetable

1. The agreed programme requires that the transfer of heritable property from the Secretary of State to NHS Trusts, other than embargoed health centres, must be completed by 31 March 1997.
2. CLO's Heritable Asset Transfer Unit (ATU) have advised that 520 transfers were outstanding at 1 August 1996. It was consequently concluded that the transfer deadline would not be met and that the powers set out in MEL(1995)80, Annex A, paragraph 7 would have to be used. You will recall that this provides for the deletion of a transfer from the ATU programme of work and for the client Trust (ie the receiving Trust) to assume responsibility for issuing a separate and direct instruction to CLO to take over and complete the transfer work at the Trust's own expense. In such cases the transfer of title must still be completed by 31 March 1997.
3. Mr Struan Douglas (ATU) wrote individually to Trust Chief Executives on 21 August forewarning them of this necessary action. He and his colleagues will now be following up on individual cases.

Management Executive Measures

4. The Management Executive have looked again at the transfer programme with a view to completing it on schedule and reducing the impact on individual Trusts of the actions referred to above.

Cost Neutral Leases (CNL) between NHS Bodies

5. Currently a transfer of title cannot proceed until all CNLs are in place in respect of that title. **Exceptionally this requirement is now rescinded.**
6. Major and minor users must still enter into an agreement on CNL terms where there is not an existing or other agreement satisfactory to both parties and must do so as soon as possible and, in any case, not later than 31 December 1996.
7. A copy of the agreement on CNL terms should still be forwarded to Roderick McCallum.

Ongoing Transactions

8. There are at least 66 properties listed for transfer which are currently affected by ongoing title work being conducted by the CLO or other legal advisers and where the ATU are unable to progress individual title transfers until the transactions are complete. Any such property affected in this manner on or after 1 November 1996 will be deleted from the ATU programme of work and that property transfer must be separately instructed by the client Trust. Again the transfer of title must be completed by 31 March 1997.

On-Site Health Centres

9. Finally, there are a number of cases where the Management Executive have agreed to the transfer of title in respect of an on-site health centre but made this decision subject to a number of conditions including obtaining the occupying GP's agreement. In future it is suggested that any such action should be subject to a 10 day notice, ie in seeking the GP's agreement, the Trust would advise that if no reply is received within 10 working days this will be taken as assent to the transfer of title proceeding. If agreement has already been sought and no reply received it is suggested that the follow up enquiry should introduce a 5 day notice. Where the GPs do respond within the appropriate timelimit with anything other than their assent, the matter should be resolved between the Trust and the GPs within 20 working days of the GPs response and evidence of this agreement must be provided to the ATU. Trusts should also keep the ATU advised as to whether or not any response has been received from GPs within the timelimits concerned.