

GRANT OF APPLICATION

**FOR THE ACQUISITION OF SOLENT NATIONAL HEALTH SERVICE TRUST BY
SOUTHERN HEALTH NHS FOUNDATION TRUST**

Signed



Julian Kelly

Chief Financial Officer and Chair of Strategy,
Planning and Investment Committee
NHS England

30 September 2024

1. Interpretation

1.1 The following definitions apply:

“2006 Act” means the National Health Service Act 2006;

“Acquirer” means Southern Health NHS Foundation Trust which is to change its name to Hampshire and Isle of Wight Healthcare NHS Foundation Trust on 1 October 2024;

“Acquired Trust” means the Solent National Health Service Trust;

“Effective Date” means 1 October 2024;

“Secretary of State” means the Secretary of State for Health and Social Care;

“Transaction Agreement” means the transaction agreement for the acquisition of the Acquired Trust by the Acquirer between the Acquirer and the Acquired Trust dated 18 September 2024; and

“Transfer Regulations” means the Transfer of Undertakings (Protection of Employment) Regulations 2006 and any other statute or statutory provision which may from time to time implement the Acquired Rights Directive (2001/23/EC).

1.2 Words and expressions used in this document shall be construed as if they were in an Act of Parliament and the Interpretation Act 1978 applied to them.

2. Grant of Application for Acquisition

2.1 NHS England grants the application for the acquisition of the Acquired Trust by the Acquirer in exercise of the power conferred on it by section 56A(4) of the 2006 Act and all other relevant powers exercisable by NHS England having received approval from the Secretary of State for the grant of the application under section 56A(4)(b) of the 2006 Act.

2.2 This grant of application for acquisition comes into force on the Effective Date and is conclusive evidence of the acquisition of the Acquired Trust by the Acquirer.

3. Effect of the Acquisition

3.1 On the Effective Date:

3.1.1 the Acquired Trust is dissolved in accordance with section 56AA(1)(c) of the 2006 Act;

3.1.2 the Acquired Trust's property (including trust property) and liabilities (including criminal liabilities) transfer to the Acquirer in accordance with section 56AA(1)(b) and 56AA(4) of the 2006 Act;

3.1.3 the employment of all relevant employees of the Acquired Trust transfer to the Acquirer by operation of the Transfer Regulations and in accordance with arrangements agreed between the Acquirer and the Acquired Trust and set out in the Transaction Agreement;

3.1.4 the constitution of the Acquirer amended to reflect the acquisition of the Acquired Trust takes effect in accordance with section 56A(5) of the 2006 Act;

3.1.5 the Acquired Trust's establishment order titled The Solent National Health Service Trust (Establishment) Order 2011 (SI number 2011/804) is revoked in accordance with section 56AA(1)(d) of the 2006 Act; and

3.1.6 section 56AA(2) and section 56AA(3) of the 2006 Act take effect.

4. Stamp Duty

- 4.1 By virtue of section 67A of the Finance Act 2003 (as amended by section 216 of the Finance Act 2012 and paragraph 2 of Schedule 7 of the Health and Care Act 2022), both the Acquired Trust and the Acquirer are exempt from any charge of stamp duty land tax in respect of any transfer of property or liabilities effected by section 56AA(1)(b) of the 2006 Act.