

GRANT OF APPLICATION

**FOR THE ACQUISITION OF
BASILDON AND THURROCK UNIVERSITY HOSPITALS NHS FOUNDATION
TRUST (1)**

AND

MID ESSEX HOSPITAL SERVICES NHS TRUST (2)

BY

SOUTHEND UNIVERSITY HOSPITAL NHS FOUNDATION TRUST

Signature:

A handwritten signature in black ink, appearing to read 'A. Pritchard', written in a cursive style.

**Amanda Pritchard, Chief Operating Officer and
Chair of the Provider Oversight Committee
NHS Improvement**

Dated 31 March 2020

1. Interpretation

1.1. The following definitions apply:

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

“Acquirer” means Southend University Hospital NHS Foundation Trust;

“Acquired Trusts” means Basildon and Thurrock University Hospitals NHS Foundation Trust and Mid Essex Hospital Services NHS Trust, unless otherwise stated;

“Effective Date” means 1 April 2020;

“NHS Improvement” means Monitor;

“Business Transfer Agreement” means the business transfer agreement for the acquisition between the Acquirer, the Acquired Trusts and the NHS Trust Development Authority dated 24 March 2020; 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 Improvement grants the application for the acquisition of the Acquired Trusts by the Acquirer in exercise of the power conferred on it by section 56A(4) of the 2006 Act and paragraph 15 of Schedule 8 to the Health and Social Care Act 2012 and all other relevant powers exercisable by NHS Improvement.

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 Trusts by the Acquirer.

3. Effect of the Acquisition

3.1. On the Effective Date:

3.1.1. the Acquired Trusts are dissolved in accordance with section 56AA(1)(c) of the 2006 Act;

3.1.2. the Acquired Trusts' 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 Trusts transfer to the Acquirer by operation of the Transfer Regulations and in accordance with arrangements agreed between the Acquirer and the Acquired Trusts and set out in the Business Transfer Agreement;
- 3.1.4. the constitution of the Acquirer amended to reflect the acquisition of the Acquired Trusts takes effect in accordance with section 56A(5) of the 2006 Act;
- 3.1.5. Mid Essex Hospital Services NHS Trust's establishment order titled Mid Essex Hospital Services National Health Service Trust (Establishment) Order (SI number 1991/2370) as amended by Mid Essex Hospital Services National Health Service Trust (Establishment) Amendment Order (SI number 1998/2116) 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), both the Acquired Trusts 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.