

SCHEDULES

SCHEDULE 3

PART I

ORDERS UNDER ARTICLE 10(1)

1. Any reference in this Part to an order is a reference to an order under Article 10(1) establishing an HSS trust or any subsequent order under that provision amending or revoking a previous order.

2. The provisions made by an order shall be in conformity with any general provision made by regulations under Article 10(6).

3.—(1) Without prejudice to any amendment made by a subsequent order, the first order to be made in relation to any HSS trust shall specify—

- (a) the name of the trust;
- (b) the functions of the trust;
- (c) the number of executive directors and non-executive directors;
- (d) where the trust is to be regarded as having a significant teaching commitment, a provision to secure the inclusion in the non-executive directors referred to in head (c) of a person appointed from a university with a medical or dental school specified in the order;
- (e) the operational date of the trust, that is to say, the date on which the trust is to begin to undertake the whole of the functions conferred on it; and
- (f) if a scheme is to be made under Article 11, the relevant body which is to make the scheme.

(2) For the purposes of sub-paragraph (1)(d), an HSS trust is to be regarded as having a significant teaching commitment in the following cases—

- (a) if the trust is established to assume responsibility for the ownership and management of a hospital or other establishment or facility which, in the opinion of the Department, has a significant teaching and research commitment; and
- (b) in any other case, if the Department so provides in the order.

(3) In a case where the order contains a provision made by virtue of sub-paragraph (1)(d) and a person who is being considered for appointment by virtue of that provision—

- (a) is employed by the university in question, and
- (b) would also, apart from this sub-paragraph, be regarded as employed by the trust, his employment by the trust shall be disregarded in determining whether, if appointed, he will be a non-executive director of the trust.

4.—(1) An order may require a relevant body to make staff, premises and other facilities available to an HSS trust pending the transfer or appointment of staff to or by the trust and the transfer of premises or other facilities to the trust.

(2) An order making provision under this paragraph may make provision with respect to the time when the relevant body's functions under the provision are to come to an end.

Status: This is the original version (as it was originally made).

5.—(1) An order may provide for the establishment of an HSS trust with effect from a date earlier than the operational date of the trust and, during the period between that earlier date and the operational date, the trust shall have such limited functions for the purpose of enabling it to begin to operate satisfactorily with effect from the operational date as may be specified in the order.

(2) If an order makes the provision referred to in sub-paragraph (1), then, at any time during the period referred to in that sub-paragraph, the HSS trust shall be regarded as properly constituted (and may carry out its limited functions accordingly) notwithstanding that, at that time, all or any of the executive directors have not yet been appointed.

(3) If an order makes the provision referred to in sub-paragraph (1), the order may require a relevant body to discharge such liabilities of the HSS trust as—

- (a) may be incurred during the period referred to in that sub-paragraph; and
- (b) are of a description specified in the order.