
STATUTORY INSTRUMENTS

1991 No. 1347

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service Trusts
(Consultation on Dissolution) Regulations 1991**

<i>Made</i>	- - - -	<i>7th June 1991</i>
<i>Laid before Parliament</i>		<i>10th June 1991</i>
<i>Coming into force</i>	- -	<i>1st July 1991</i>

The Secretary of State for Health, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 126(4) and (5) and section 128(1) of the National Health Service Act 1977(1) and paragraph 29(3) of Schedule 2 to the National Health Service and Community Care Act 1990(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service Trusts (Consultation on Dissolution) Regulations 1991 and shall come into force on 1st July 1991.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the National Health Service and Community Care Act 1990;

“dissolution order” means an order under paragraph 29 of Schedule 2 to the Act dissolving an NHS trust;

“relevant Community Health Council” means, in relation to an NHS trust, the Community Health Council for the district or part of the district in which the hospital, establishment or other facility in respect of which the NHS trust was established, is situated;

“relevant Regional Health Authority” means, in relation to an NHS trust, the Regional Health Authority in whose region the hospital, establishment or other facility, in respect of which the NHS trust was established, is situated.

(1) 1977 c. 49; section 126(4) was amended by, and section 126(5) was inserted by, section 65(2) of the National Health Service and Community Care Act 1990 (“the 1990 Act”); section 128(1) was amended by section 26(2) of the 1990 Act. Section 128(1) is cited for definition of “prescribed” and “regulations”.

(2) 1990 c. 19.

Consultation

2.—(1) Subject to paragraph (3) of this regulation, for the purposes of paragraph 29(3) of Schedule 2 to the Act, the prescribed consultation which, except in cases of urgency, must be completed before the Secretary of State may make a dissolution order shall be—

- (a) where the dissolution order is to be made pursuant to paragraph X29(2)(a) of Schedule 2 to the Act (on the application of the NHS trust concerned), consultation by that NHS trust with the relevant Community Health Council the results of which shall, within such a period, if any, as the Secretary of State may determine, be reported by the NHS trust to the Secretary of State;
- (b) where the dissolution order is to be made pursuant to paragraph 29(2)(b) of Schedule 2 to the Act (where the Secretary of State considers it appropriate in the interests of the health service), consultation by the Secretary of State with the relevant Community Health Council.

(2) Where a dissolution order is to be made in respect of two or more NHS trusts, the consultation prescribed by paragraph (1)(a) above may be undertaken jointly by the NHS trusts concerned.

(3) Where a dissolution order is to be made pursuant either to paragraph 29(2)(a) or to paragraph 29(2)(b) of Schedule 2 to the Act and the Secretary of State is considering whether to make an order under section 5(1) of the Act to establish an NHS trust to which he proposes to transfer, by an order under paragraph 30 of Schedule 2 to the Act, the property, rights and liabilities of the NHS trust which is to be dissolved, the prescribed consultation which, except in cases of urgency, must be completed before the Secretary of State may make a dissolution order shall be—

- (a) where the hospital, establishment or facility in respect of which the NHS trust was established is situated in England, consultation by the relevant Regional Health Authority with the relevant Community Health Council, which may be combined with the consultation required by section 5(2) of the Act and the results of which shall, within such period, if any, as the Secretary of State may determine, be reported to the Secretary of State; or
- (b) where the hospital, establishment or facility in respect of which the NHS trust was established is situated in Wales, consultation by the Secretary of State with the relevant Community Health Council which may be combined with the consultation required by section 5(3) of the Act.

6th June 1991

William Waldegrave
Secretary of State for Health

7th June 1991

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the consultation to be completed before the Secretary of State may make an order dissolving an NHS trust under paragraph 29 of Schedule 2 to the National Health Service and Community Care Act 1990. In cases where the reason for the dissolution is the creation of a new NHS trust, regulation 1(3) makes it clear that the consultation prescribed on dissolution may be combined with the consultation required by the Act before the establishment of an NHS trust.