
STATUTORY INSTRUMENTS

1994 No. 3173

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Bournemouth Community and Mental Health
National Health Service Trust (Establishment) Order 1994**

Made - - - - *12th December 1994*
22nd December
Coming into force - - *1994*

The Secretary of State for Health, in exercise of powers conferred on her by section 5(1) of, and paragraphs 1, 3, 4, 5 and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990(1) and of all other powers enabling her in that behalf, having directed the relevant Regional Health Authority, as defined in section 5(4) of that Act, to consult the persons or bodies referred to in section 5(2) of that Act and having received and considered the results of that consultation, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Bournemouth Community and Mental Health National Health Service Trust (Establishment) Order 1994 and shall come into force on 22nd December 1994.

(2) In this Order, unless the context otherwise requires—

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

“community health services” means any services which the Secretary of State may provide under section 3(1)(d) or (e) of, or Schedule 1 to, the National Health Service Act 1977 and any service which she has a duty to provide under section 5(1) or (1A) of that Act(2);

“establishment date” means 22nd December 1994;

“operational date” has the meaning assigned to it in paragraph 3(1)(e) of Schedule 2 to the Act;

“the trust” means the Bournemouth Community and Mental Health National Health Service Trust established by article 2 of this Order.

(1) 1990 c. 19; paragraph 1 of Schedule 2 is cited for the definition of “an order”.

(2) 1977 c. 49; section 5(1) was amended by, and section 5(1A) and (1B) were inserted by, the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Act 1980 (c. 20), Schedule 1 and the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7.

Establishment of the trust

2. There is hereby established an NHS trust which shall be called the Bournemouth Community and Mental Health National Health Service Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purpose specified in section 5(1)(a) of the Act.

(2) The trust's functions (which include functions which the Secretary of State considers appropriate in relation to the provision of services by the trust for one or more health authorities) shall be—

- (a) to own and manage hospital accommodation and services provided at Abraham Cowley Unit, Holloway Hill, Chertsey, Surrey KT18 0QA and associated hospitals;
- (b) to manage community health services provided from Bournemouth House, Guildford Road, Chertsey, Surrey KT16 0PZ and to own the associated premises.

Directors of the trust

4. The trust shall have, in addition to the chairman, 5 non—executive directors and 5 executive directors.

Operational date and accounting date of trust

5.—(1) The operational date of the trust shall be 1st April 1995.

(2) The accounting date of the trust shall be 31st March.

Limited functions before operational date

6. Between its establishment date and its operational date the trust shall have the functions—

- (a) of entering into NHS contracts;
- (b) of entering into other contracts, including contracts of employment; and
- (c) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Restriction on disposal of assets

7. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 2 to the Act (maximum value of freely disposable assets) in relation to the trust shall be £1,000,000.

Signed by authority of the Secretary of State for Health

12th December 1994

Tom Sackville
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Bournwood Community and Mental Health National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It also provides for the functions of the trust both before (article 6) and after (article 3) its operational date (the date on which it assumes all its functions). It specifies the operational date and the accounting date of the trust (article 5). It specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the asset (article 7).