
STATUTORY INSTRUMENTS

1998 No. 827

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Newcastle upon Tyne Hospitals National
Health Service Trust (Establishment) Order 1998**

Made - - - - *18th March 1998*
Coming into force - - *1st April 1998*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, having completed the consultation prescribed by section 5(2) of that Act⁽²⁾, and considering it appropriate to include, among the functions of the NHS trust established by this Order, certain functions in relation to the provision of services by the trust for Health Authorities or Special Health Authorities⁽³⁾, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Newcastle upon Tyne Hospitals National Health Service Trust (Establishment) Order 1998 and shall come into force on 1st April 1998.

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

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

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

“the trust” means the Newcastle upon Tyne Hospitals National Health Service Trust established by article 2 of this Order.

Establishment of the trust

2. There is hereby established an NHS trust which shall be called the Newcastle upon Tyne Hospitals National Health Service Trust.

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

(2) Section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17); see S.I.1996/653.

(3) See section 5(6) of the National Health Service and Community Care Act 1990 (c. 19).

Nature and functions of the trust

3. 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 pursuant to section 5(1)(a) of the Act hospitals, establishments or facilities in the area of Newcastle and North Tyneside Health Authority, and there to provide hospital accommodation and services (including teaching and research facilities); and
- (b) to provide and manage pursuant to section 5(1)(b) of the Act the Royal Victoria Infirmary, Queen Victoria Road, Newcastle upon Tyne NE1 4LP, the Freeman Hospital, Freeman Road, High Heaton, Newcastle upon Tyne NE7 7DN and hospitals, establishments and facilities in the area of Newcastle and North Tyneside Health Authority, and there to provide hospital accommodation and services (including the management of teaching and research facilities).

Directors of the trust

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

Significant teaching commitment

5.—(1) The trust is to be regarded as having a significant teaching commitment by virtue of paragraph 3(2)(a) of Schedule 2 to the Act.

(2) One of the non-executive directors of the trust shall be appointed from the University of Newcastle upon Tyne.

Operational date and accounting date of the trust

6.—(1) The operational date of the trust shall be 1st April 1998.

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

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

18th March 1998

Alan Milburn
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Newcastle upon Tyne Hospitals 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 (article 3). It specifies the number of executive and non-executive directors of the trust (article 4) and that one of the non-executive directors shall be appointed from the University of Newcastle Upon Tyne (article 5). It specifies the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 6), and it specifies the value above which assets cannot be disposed of without the Secretary of State's consent (article 7).

This Order should be read in conjunction with The Freeman Group of Hospitals and the Royal Victoria Infirmary and Associated Hospitals National Health Service Trusts (Dissolution) Order 1998(4).