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STATUTORY INSTRUMENTS

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**1998 No. 848**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Southern Derbyshire Acute 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 to 5 and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990<sup>(1)</sup> and of all other powers enabling him in that behalf, having completed the consultation prescribed under section 5(2) of that Act<sup>(2)</sup>, 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<sup>(3)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Southern Derbyshire Acute 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;

“the trust” means the Southern Derbyshire Acute Hospitals National Health Service Trust established by article 2 of this Order.

**Establishment and name of the trust**

2. There is established an NHS trust which shall be called the Southern Derbyshire Acute Hospitals National Health Service Trust.

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(1) 1990 c. 19 (“the 1990 Act”); 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 1990 Act.

### **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 Derby City General Hospital, Uttoxeter Road, Derby DE22 3NE, Derbyshire Royal Infirmary, Devonshire House, London Road, Derby DE1 2QY and other premises associated with either of those hospitals, 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 hospitals or other establishments or facilities in the area of the Southern Derbyshire Health Authority, and there to provide hospital accommodation and services.

### **Directors of the trust**

4. The trust shall have, in addition to the chairman, 5 executive directors and 5 non-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)(b) of Schedule 2 to the Act.

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

### **Operational date and accounting date of the trust**

6.—(1) The operational date of the trust(4) 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

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(4) See, for the definition of "operational date", paragraph 3(1)(e) of Schedule 2 to the 1990 Act.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes the Southern Derbyshire Acute 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), specifies the number of executive and non-executive directors of the trust (article 4), and makes provision for the trust to be regarded as having a significant teaching commitment (article 5). It specifies the operational date and the accounting date of the trust (article 6). It specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the assets (article 7).

This Order should be read in conjunction with the Derby City General Hospital National Health Service Trust (Dissolution) Order 1998<sup>(5)</sup> and the Derbyshire Royal Infirmary National Health Service Trust (Dissolution) Order 1998<sup>(6)</sup>.

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<sup>(5)</sup> S.I. 1998/850.  
<sup>(6)</sup> S.I. 1998/849.