
STATUTORY INSTRUMENTS

1999 No. 1770

NATIONAL HEALTH SERVICE, ENGLAND

The Wiltshire and Swindon Health Care National Health Service Trust (Establishment) Order 1999

Made - - - - *21st June 1999*
Coming into force - - *1st July 1999*

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 Wiltshire and Swindon Health Care National Health Service Trust (Establishment) Order 1999 and shall come into force on 1st July 1999.

(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 he has a duty to provide under section 5(1) or 5(1)(a) of that Act(4);

“establishment date” means 1st July 1999;

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

“the trust” means the Wiltshire and Swindon Health Care 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) 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).
(4) 1977 c. 49; section 5 was amended by and section 5(1A) 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 and name of the trust

2. There is hereby established an NHS trust which shall be called the Wiltshire and Swindon Health Care National Health Service Trust.

Nature and functions of the trust

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

(2) The trust's functions shall be to provide and manage hospitals, establishments and facilities in the area of Wiltshire Health Authority and in the areas of those Health Authorities bordering Wiltshire Health Authority, and there to provide and manage hospital accommodation and services, and there and from there to provide and manage community health services.

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 the trust

5.—(1) The operational date of the trust shall be 1st October 1999.

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

Limited functions before operational date

6. Between the establishment date and the 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 things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from the operational date.

Assistance by Health Authorities before operational date

7.—(1) The Wiltshire Health Authority shall discharge the liabilities of the trust incurred during the period from and including the establishment date until the operational date that are of a description specified in paragraph (2) of this article.

(2) The liabilities referred to in the preceding paragraph are—

- (a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;
- (b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust;
- (c) liability for the remuneration of persons employed by the trust; and
- (d) any other liability which may reasonably be incurred by the trust for the purpose of enabling it to begin to operate satisfactorily with effect from its operational date.

Restriction on disposal of assets

8. 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

Department of Health
21st June 1999

John Denham
Minister of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Wiltshire and Swindon Health Care National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It provides for the functions of the trust (article 3) and the number of executive and non-executive directors (article 4). It also specifies the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5), and the limited functions that the new trust may carry out between its establishment and operations dates (article 6), and makes provision for assistance to be given by Wiltshire Health Authority between those dates (article 7). Finally, it specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the assets (article 8).

This Order should be read in conjunction with the Wiltshire Health Care and the East Wiltshire Health Care National Health Service Trusts (Dissolution) Order 1999⁽⁵⁾.

⁽⁵⁾ S.I. 1999/1771.