
STATUTORY INSTRUMENTS

1999 No. 896

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The East Kent Hospitals National Health
Service Trust (Establishment) Order 1999**

Made - - - - *18th March 1999*

Coming into force - - *1st April 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 East Kent Hospitals National Health Service Trust (Establishment) Order 1999 and shall come into force on 1st April 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 (1A) of that Act⁽⁴⁾;

“the trust” means the East Kent Hospitals 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) (“the 1990 Act”).
(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, Schedule 2, paragraph 7.

Establishment and name of the trust

2. There is hereby established an NHS trust which shall be called the East Kent Hospitals 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 and other establishments or facilities within the area of East Kent 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⁽⁵⁾ shall be 1st April 1999.

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

Restriction on disposal of assets

6. 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 1999

John Denham
Minister of State,
Department of Health

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the East Kent 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) and the number of executive and non-executive directors (article 4). It 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 value above which assets cannot be disposed of without the Secretary of State's consent (article 6).

This Order should be read in conjunction with the Kent and Canterbury Hospitals, the South Kent Hospitals and the Thanet Health Care National Health Service Trusts (Dissolution) Order 1999⁽⁶⁾.

⁽⁶⁾ S.I. 1999/897.