
STATUTORY INSTRUMENTS

2000 No. 237

NATIONAL HEALTH SERVICE, ENGLAND

**The Maidstone and Tunbridge Wells National
Health Service Trust (Establishment) Order 2000**

Made - - - - 3rd February 2000

Coming into force - - 14th February 2000

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, 4 and 5 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), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Maidstone and Tunbridge Wells National Health Service Trust (Establishment) Order 2000 and shall come into force on 14th February 2000.

(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(3);

“establishment date” means 14th February 2000;

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

“the trust” means the Maidstone and Tunbridge Wells National Health Service Trust established by article 2 of this Order.

Establishment and name of the trust

2. There is hereby established an NHS trust which shall be called the Maidstone and Tunbridge Wells National Health Service Trust.

(1) 1990 c. 19; section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and by the Health Act 1999 (c. 8) section 13; paragraph 1 of Schedule 2 is cited for the definition of “an order”; paragraph 3 of Schedule 2 to the 1990 Act was amended by the Health Act 1999 section 13(7).

(2) See S.I.1996/653.

(3) 1977 c. 49; section 5(1) was amended by, and section 5(1A) was inserted by the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 1, the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

Nature and functions of the trust

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

(2) The trust's functions shall be to provide goods and services (including hospital accommodation and community health services) for the purposes of the health service at or from the following hospitals, establishments and facilities—

- (a) Maidstone Hospital, Hermitage Lane, Maidstone, Kent ME16 9QQ,
- (b) Pembury Hospital, Tonbridge Road, Tunbridge Wells, Kent TN2 4QJ,
- (c) Kent & Sussex Hospital, Mount Ephraim, Tunbridge Wells, Kent TN2 4AT,

and at or from any associated hospitals, establishments or facilities.

Directors of the trust

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

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st April 2000.

(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;
- (c) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Assistance by Health Authorities before operational date

7.—(1) West Kent Health Authority shall discharge the liabilities of the trust, incurred between the establishment date and 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 the operational date.

Signed by the authority of the Secretary of State for Health

Gisela Stuart
Parliamentary Under Secretary of State,
Department of Health

Status: This is the original version (as it was originally made). UK
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EXPLANATORY NOTE

(This note is part of the Order)

This Order establishes the Maidstone and Tunbridge Wells 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), the trust's limited functions before the operational date (article 6) and the trust's liabilities which will be discharged by the West Kent Health Authority if incurred between the establishment date and the operational date of the trust (article 7).

This Order should be read in conjunction with the Kent and Sussex Weald and the Mid Kent Healthcare National Health Service Trusts (Dissolution) Order 2000(4).