
STATUTORY INSTRUMENTS

2001 No. 4119

NATIONAL HEALTH SERVICE, ENGLAND

The Gloucestershire Hospitals and the Gloucestershire Partnership National Health Service Trusts (Establishment) and the East Gloucestershire National Health Service Trust, the Gloucestershire Royal National Health Service Trust and the Severn National Health Service Trust (Dissolution) Order 2001

<i>Made</i>	- - - -	<i>18th December 2001</i>
<i>Coming into force except for</i>		
<i>article 8</i>	- - - -	<i>1st January 2002</i>
<i>article 8</i>	- - - -	<i>1st April 2002</i>

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(3) of the National Health Service Act 1977(1) and by section 5(1) of, and paragraphs 1, 3, 4, 5 and 29(1) of Schedule 2 to, the National Health Service and Community Care Act 1990(2) and of all other powers enabling him in that behalf, considering it appropriate in the interests of the health service to dissolve the East Gloucestershire National Health Service Trust, the Gloucestershire Royal National Health Service Trust and the Severn National Health Service Trust(3), and having completed the consultation prescribed under section 5(2) of and paragraph 29(3) of Schedule 2 to that Act(4), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Gloucestershire Hospitals and the Gloucestershire Partnership National Health Service Trusts (Establishment) and the East Gloucestershire National Health Service Trust, the Gloucestershire Royal National Health Service Trust and the Severn National Health Service Trust (Dissolution) Order 2001 and, subject to paragraph (2), shall come into force on 1st January 2002.

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- (1) 1977 c. 49; section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), by paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46).
- (2) 1990 c. 19; section 5 was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 69(d) 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).
- (3) See paragraph 29(2) of Schedule 2 to the 1990 Act.
- (4) See S.I. 1996/653.

(2) Article 8 shall come into force on 1st April 2002.

(3) 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 (c) 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(5);

“establishment date” means 1st January 2002;

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

“the trusts” means the Gloucestershire Hospitals National Health Service Trust and the Gloucestershire Partnership National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There are hereby established two NHS trusts which shall be called respectively the Gloucestershire Hospitals National Health Service Trust and the Gloucestershire Partnership National Health Service Trust.

Nature and functions of the trust

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

(2) The Gloucestershire Hospitals National Health Service Trust’s functions shall be to provide goods and services, namely hospital accommodation and services for the purposes of the health service at or from the Trust’s headquarters at Number 1, College Lawn Cheltenham, Gloucestershire and at or from any associated hospitals, establishments and facilities.

(3) The Gloucestershire Partnership National Health Service Trust’s functions shall be to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service at or from the Trust’s headquarters at Rikonel, Montpellier, Gloucester and at or from any associated hospitals, establishments and facilities.

Directors of trusts

4. The trusts shall each 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 shall be 1st April 2002.

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

Limited functions before operational date

6. Between the establishment date and the operational date the trusts shall have the functions of doing such things as are reasonably necessary to enable each of them to carry out their functions with effect from the operational date, including—

(a) of entering into NHS contracts;

(b) of entering into other contracts including contracts of employment.

(5) 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, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

Assistance by Health Authorities before operational date

7. The Gloucestershire Health Authority shall discharge the liabilities of each of the trusts incurred between the establishment date and the operational date which are reasonably incurred by each of the trusts for the purpose of enabling each of them to begin to carry out each of their functions with effect from the operational date, including—

- (a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of that 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 that trust;
- (c) liability for the remuneration of persons employed by that trust.

Dissolution of NHS trusts

8.—(1) The East Gloucestershire National Health Service Trust established by the East Gloucestershire National Health Service Trust (Establishment) Order 1990⁽⁶⁾ is hereby dissolved, and accordingly that Order is hereby revoked.

(2) The Gloucestershire Royal National Health Service Trust established by the Gloucestershire Royal National Health Service Trust (Establishment) Order 1992⁽⁷⁾ is hereby dissolved and accordingly that Order is hereby revoked.

(3) The Severn National Health Service Trust established by the Severn National Health Service Trust (Establishment) Order 1992⁽⁸⁾ is hereby dissolved, and accordingly that Order is hereby revoked.

Signed by authority of the Secretary of State for Health

18th December 2001

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

⁽⁶⁾ S.I. 1990/2412 as amended by S.I. 2000/2741.

⁽⁷⁾ S.I. 1992/2527 as amended by S.I. 1996/986.

⁽⁸⁾ S.I. 1992/2525.

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 Gloucestershire Hospitals National Health Service Trust and the Gloucestershire Partnership National Health Service Trust as NHS trusts, provided for in section 5 of the National Health Service and Community Care Act 1990.

This Order also dissolves on 1st April 2002:

- the East Gloucestershire National Health Service Trust;
- the Gloucestershire Royal National Health Service Trust; and
- the Severn National Health Service Trust.

The Gloucestershire Hospitals National Health Service Trust will provide certain hospital accommodation and services previously provided by the East Gloucestershire National Health Service Trust and by the Gloucestershire Royal National Health Service Trust, which are dissolved by this Order.

The Gloucestershire Partnership National Health Service Trust will provide certain services (including those relating to mental health and learning disability) previously provided by the Severn National Health Service Trust and the East Gloucestershire National Health Service Trust which are dissolved by this Order.

The following Primary Care Trusts will provide certain services previously provided by the East Gloucestershire National Health Service Trust and by the Severn National Health Service Trust:

- the Cheltenham and Tewkesbury Primary Care Trust;
- the Cotswold and Vale Primary Care Trust;
- the West Gloucestershire Primary Care Trust.

The Order provides for the functions of the trusts (article 3) and the number of executive and non-executive directors (article 4). It specifies the operational date (the date on which the trusts assumes all their functions), and the accounting date of the trusts (article 5). It also specifies the trusts' liabilities which will be discharged by the Gloucestershire Health Authority if incurred between the establishment date and the operational date (article 7).

This Order does not impose a charge on businesses.