

2002 No. 1244

NATIONAL HEALTH SERVICE, ENGLAND

**The Cheshire and Wirral Partnership National Health Service
Trust (Establishment) and the Wirral and West Cheshire
Community National Health Service Trust (Dissolution)
Order 2002**

Made - - - - - *13th March 2002*

Coming into force
except for article 8 *22nd March 2002*
article 8 *1st April 2002*

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(a) 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(b) and of all other powers enabling him in that behalf, considering it appropriate in the interests of the health service to dissolve the Wirral and West Cheshire Community National Health Service Trust(c), and having completed the consultation prescribed under section 5(2) of and paragraph 29(3) of Schedule 2 to that Act(d), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cheshire and Wirral Partnership National Health Service Trust (Establishment) and the Wirral and West Cheshire Community National Health Service Trust (Dissolution) Order 2002 and subject to paragraph (2), shall come into force on 22nd March 2002.

(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 (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(e);

“establishment date” means the date this order comes into force;

(a) 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).

(b) 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).

(c) See paragraph 29(2) of Schedule 2 to the 1990 Act.

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

(e) 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), paragraph 21 of Schedule 12, the Health and Medicines Act 1988, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), schedule 37, paragraph 46.

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

“the trust” means the Cheshire and Wirral Partnership National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There is established an NHS trust which shall be called the Cheshire and Wirral Partnership National Health Service Trust.

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, namely hospital accommodation and services, community health services, and certain community health services previously provided by the Wirral and West Cheshire Community National Health Service Trust, the Cheshire Community Healthcare National Health Service Trust, the Mid Cheshire Hospitals National Health Service Trust, the East Cheshire National Health Service Trust and the Countess of Chester Hospital National Health Service Trust, for the purposes of the health service at or from the trust’s Headquarters, at West Cheshire Hospital, Countess of Chester Health Park, Liverpool Road, Chester, Cheshire CH2 1YZ,

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

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 shall be 1st April 2002.

(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 of doing such things as are reasonably necessary to enable it to carry out its functions with effect from the operational date, including—

- (a) entering into NHS contracts;
- (b) entering into other contracts including contracts of employment.

Assistance by Health Authorities before operational date

7. The South Cheshire Health Authority shall discharge the liabilities of the trust incurred between the establishment date and the operational date which are reasonably incurred by the trust for the purpose of enabling it to begin to carry out its 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 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.

Dissolution of NHS trusts

8. The Wirral and West Cheshire Community National Health Service Trust established by the Wirral and West Cheshire Community National Health Service Trust (Establishment) Order 1997 is dissolved, and accordingly that Order is revoked(a).

(a) S.I. 1997/833.

Signed by authority of the Secretary of State for Health

13th March 2002

Hunt
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Cheshire and Wirral Partnership NHS Trust National Health Service Trust as an NHS trust, provided for in section 5 of the National Health Service and Community Care Act 1990 (article 2).

This Order also dissolves on 1st April 2002 (article 8):

the Wirral and West Cheshire Community National Health Service Trust.

The new trust will provide certain services and community health services previously provided by the Wirral and West Cheshire Community National Health Service Trust which is dissolved by this Order and certain community health services previously provided by the Wirral and West Cheshire Community National Health Service Trust, the Cheshire Community Healthcare National Health Service Trust, the Mid Cheshire Hospitals National Health Service Trust, the East Cheshire National Health Service Trust and the Countess of Chester Hospital National Health Service Trust.

The Order provides for the functions of the trust (article 3), and provides for 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). It also specifies the trust's liabilities which will be discharged by the South Cheshire Health Authority if incurred between the establishment date and the operational date (article 7).

This Order does not impose a charge on businesses.

£1.75

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E 0401 5/02 ON (MFK)