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STATUTORY INSTRUMENTS

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**2002 No. 2073**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The East Lancashire Hospitals National Health Service Trust (Establishment) and the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust and Burnley Health Care National Health Service Trust (Dissolution) Order 2002**

*Made* - - - - *5th August 2002*

*Coming into force* - - *1st September 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 126(3) of the National Health Service Act 1977<sup>(1)</sup>, 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<sup>(2)</sup>, and of all other powers enabling him in that behalf, considering it appropriate in the interests of the health service to dissolve the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust<sup>(3)</sup> and the Burnley Health Care National Health Service Trust<sup>(4)</sup>, and having completed the consultation prescribed under section 5(2) of, and paragraph 29(3) of Schedule 2 to, the National Health Service and Community Care Act 1990<sup>(5)</sup>, hereby makes the following order:

**Citation, commencement, interpretation, and extent**

1.—(1) This Order may be cited as the East Lancashire Hospitals National Health Service Trust (Establishment) and the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust and Burnley Health Care National Health Service Trust (Dissolution) Order 2002 and shall come into force on 1st September 2002.

(2) In this order—

“the Act” means the National Health Service and Community Care Act 1990;

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- (1) 1977 c. 49 (“the 1977 Act”). Section 126(3) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), s.65(2), and the National Health Service (Primary Care) Act 1997 (c. 46), Schedule 2, paragraph 27.
- (2) 1990 c. 19. Section 5(1) was amended by the Health Act 1999 (c. 8) (“the 1999 Act”), section 13(1)(a), (10), and by section 65(2), Schedule 5. Paragraph 3 of Schedule 2 was amended by the Health Authorities Act 1995 (c. 17) (“the 1995 Act”), section 2(1), Schedule 1, paragraph 85(a); by the 1999 Act, section 13(7), (10), and section 65(1), Schedule 4, paragraphs 74, 83(1), (2).
- (3) S.I. 1993/2592 as amended by S.I. 1999/2308.
- (4) S.I. 1991/2331.
- (5) Section 5(2) of the 1999 Act was amended by the 1995 Act, section 2(1), Schedule 1, paragraph 69(b).

“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 also any service which the Secretary of State has a duty to provide under section 5(1) or (1A)(6) of that Act;

“the dissolution date” means 1st April 2003;

“the establishment date” means the date on which this Order comes into force;

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

“the trust” means the East Lancashire Hospitals National Health Service Trust established by article 2 of this Order.

### **Establishment and name of the trust**

2. There is established a National Health Service trust which shall be called the East Lancashire 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) of the Act.

(2) The 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

- (a) Blackburn Royal Infirmary, Bolton Road, Blackburn, BB2 3LR,
- (b) Burnley General Hospital, Casterton Avenue, Burnley, BB10 2PQ,
- (c) Pendle Community Hospital, Leeds Road, Nelson BB9 9TF,
- (d) Queen’s Park Hospital, Haslingden Road, Blackburn, BB2 3HH,
- (e) Rossendale Hospital, Haslingden Road, Rawtenstall, BB4 6NE, and
- (f) at or from any associated hospitals, establishments, and facilities.

### **Directors of the trust**

4. The trust shall have a chairman, 5 executive directors, and 5 non-executive directors.

### **Operational and accounting dates of the trust**

5.—(1) The operational date of the trust shall be 1st April 2003.

(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; and

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(6) Section 5(1) of the 1977 Act was amended by the Health and Medicines Act 1988, section 25, and by the School Standards and Framework Act 1998, section 140(3), Schedule 31. Section 5(1A) was inserted by the Health and Medicines Act 1988, section 10(1), and amended by the School Standards and Framework Act 1998, section 140(3), Schedule 31.

- (c) doing such things as are reasonably necessary to enable the trust to begin operating satisfactorily.

#### **Assistance from Health Authority before operational date**

7.—(1) Between the establishment date and the operational date, the Cumbria and Lancashire Health Authority shall meet the costs of the trust performing its functions by discharging the liabilities of the trust incurred during that period as specified in paragraph (2) which do not in aggregate exceed such amount as may be notified by the Authority to the trust.

- (2) The liabilities referred to in the preceding paragraph are—
  - (a) liability for the remuneration and travelling or other allowances of the chairman, executive directors, and non-executive directors of the trust;
  - (b) liability for the remuneration and travelling or other allowances of the members of committees and sub-committees of the trust who are not also members 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.

#### **Dissolution of National Health Service trusts**

8. On the dissolution date—
- (a) the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust, which was established by the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust (Establishment) Order 1993; and
  - (b) the Burnley Health Care National Health Service Trust, which was established by the Burnley Health Care National Health Service Trust (Establishment) Order.

are dissolved, and their Establishment Orders are accordingly revoked.

Signed by authority of the Secretary of State for Health

5th August 2002

*Jacqui Smith*  
Minister of State,  
Department of Health

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes the East Lancashire Hospitals National Health Service Trust (“the new trust”) as a National Health Service Trust under the terms set out in section 5 of the National Health Service and Community Care Act 1990 (article 2).

The Order also dissolves the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust and the Burnley Health Care National Health Service Trust on 1st April 2003 (article 6).

The Order provides for the functions of the new trust (article 3) and the number of executive directors, and non-executive directors, (article 4). It also specifies the dates on which the new trust becomes fully operational (1st April 2003), and its accounting date (article 5). It also specifies the new trust’s liabilities which will be discharged by the Cumbria and Lancashire Health Authority between the establishment date and the operational date (article 7).

This Order does not impose a charge on businesses.