
STATUTORY INSTRUMENTS

2005 No. 478

NATIONAL HEALTH SERVICE, ENGLAND

The Surrey and Borders Partnership National Health Service Trust (Establishment) and the North West Surrey Mental Health National Health Service Partnership Trust, the Surrey Hampshire Borders National Health Service Trust and the Surrey Oaklands National Health Service Trust (Dissolution) Order 2005

Made - - - - *2nd March 2005*

Coming into force - - *1st April 2005*

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 3 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 North West Surrey Mental Health National Health Service Partnership Trust(3), the Surrey Hampshire Borders National Health Service Trust(4) and the Surrey Oaklands National Health Service Trust(5), 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(6), hereby makes the following Order:

-
- (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), paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c. 46). The health functions of the Secretary of State are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the Health Act 1999 (c. 8) (“the 1999 Act”).
- (2) 1990 c. 19; section 5(1) was amended by sections 13(1)(a) and (10) and 65(2) of, and Schedule 5 to, the 1999 Act; paragraph 3 of Schedule 2 was amended by section 2(1) of, and paragraph 85(a) of Schedule 1 to, the 1995 Act and by sections 13(7) and (10) and 65(1) of, and paragraphs 74 and 83(1) and (2) of Schedule 4 to, the 1999 Act.
- (3) Established by S.I. 1994/3171, as amended by S.I. 2002/1338.
- (4) Established by S.I. 1998/501.
- (5) Established by S.I. 1998/653.
- (6) 1990 c. 19; section 5(2) was amended by section 2(1) of, and paragraph 69(b) of Schedule 1 to, the 1995 Act. See S.I. 1996/653 for the prescribed consultation.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Surrey and Borders Partnership National Health Service Trust (Establishment) and the North West Surrey Mental Health National Health Service Partnership Trust, the Surrey Hampshire Borders National Health Service Trust and the Surrey Oaklands National Health Service Trust (Dissolution) Order 2005 and shall come into force on 1st April 2005.

(2) In this Order—

“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(7);

“dissolution date” means the date this Order comes into force;

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

“the trust” means the Surrey and Borders Partnership 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 Surrey and Borders 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, and community health services, for the purposes of the health service.

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 2005.

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

Dissolution of NHS trusts

6. On the dissolution date—

(7) 1977 c. 49; Schedule 1 was amended by paragraph 21 of Schedule 12 of the Education Reform Act 1988 (c. 40), by paragraph 7 of Schedule 2 to the Health and Medicines Act 1988 (c. 49)(“the 1988 Act”) and by paragraph 46 of Schedule 37 to the Education Act 1996 (c. 56); section 5(1) was amended by section 25 of, and Schedule 3 to, the 1988 Act and by section 140(3) of, and Schedule 31 to, the School Standards and Framework Act 1998 (c. 31)(“the 1998 Act”); section 5(1A) was inserted by section 10(1) of the 1988 Act, and amended by section 140(3) of, and Schedule 31 to, the 1998 Act and will be repealed on a date to be appointed by sections 171(2) and 196 of, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

- (a) the North West Surrey Mental Health National Health Service Partnership Trust, which was established by the Bournemouth Community and Mental Health National Health Service Trust (Establishment) Order 1994⁽⁸⁾;
 - (b) the Surrey Hampshire Borders National Health Service Trust, which was established by the Surrey Hampshire Borders National Health Service Trust (Establishment) Order 1998⁽⁹⁾; and
 - (c) the Surrey Oaklands National Health Service Trust, which was established by the Surrey Oaklands National Health Service Trust (Establishment) Order 1998⁽¹⁰⁾,
- are dissolved, and accordingly their Establishment Orders are revoked.

Signed by authority of the Secretary of State for Health

2nd March 2005

Rosie Winterton
Minister of State,
Department of Health

⁽⁸⁾ [S.I. 1994/3173](#). The name of the trust was changed to the North West Surrey Mental Health National Health Service Partnership Trust by [S.I. 2002/1338](#) (the Bournemouth Community and Mental Health National Health Service Trust Change of Name Order 2002).

⁽⁹⁾ [S.I. 1998/501](#).

⁽¹⁰⁾ [S.I. 1998/653](#).

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 Surrey and Borders Partnership National Health Service 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.

The Order sets out the functions of the trust (article 3), the number of executive and non-executive directors of the trust (article 4), the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5).

This Order also dissolves the North West Surrey Mental Health National Health Service Partnership Trust, the Surrey Hampshire Borders National Health Service Trust and the Surrey Oaklands National Health Service Trust.