

2006 No. 2537

NATIONAL HEALTH SERVICE, ENGLAND

**The Isle of Wight National Health Service Primary Care Trust
(Establishment) and Isle of Wight Healthcare National Health
Service Trust and Isle of Wight Primary Care Trust (Dissolution)
Order 2006**

Made - - - - *20th September 2006*

Coming into force - - *1st October 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 16A(1), (2) and (3) and section 126(3) and (4) of, and paragraph 1 of Schedule 5A to, the National Health Service Act 1977(a), and paragraph 29(1) of Schedule 2 to the National Health Service and Community Care Act 1990(b).

The Secretary of State for Health considers it appropriate in the interests of the health service to make this Order, having completed the consultation prescribed under section 16A(5) of the National Health Service Act 1977(c) and paragraph 29(3) of Schedule 2 to the National Health Service and Community Care Act 1990(d).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Isle of Wight National Health Service Primary Care Trust (Establishment) and Isle of Wight Healthcare National Health Service Trust and Isle of Wight Primary Care Trust (Dissolution) Order 2006 and shall come into force on 1st October 2006.

(2) In this Order—

“new PCT” means the Isle of Wight National Health Service Primary Care Trust established by article 2;

(a) 1977 c.49; section 16A was inserted by section 2(1) of the Health Act 1999 (c.8) (“the 1999 Act”) and amended by sections 2(1), (2) and (3) of the National Health Service Reform and Health Care Professions Act 2002 (c.17) (“the 2002 Act”); section 126(3) was amended by section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46) and section 65(2) of the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”); section 126(4) was amended by section 65(2) of the 1990 Act, section 65(1) of, and paragraphs 4 and 37(1) and (6) of Schedule 4 to, the 1999 Act, section 67(1) of, and paragraphs 5(1) and (13)(b) of Schedule 5 to, the Health and Social Care Act 2001 (c.15), sections 6(3)(c) and 37(1) of, and paragraphs 1 and 10(a) of Schedule 8 to, the 2002 Act and sections 184 and 196 of, and paragraphs 7 and 38 of Schedule 11 and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43); paragraph 1 of Schedule 5A was inserted by section 2(2) of, and Schedule 1 to, the 1999 Act.

(b) 1990 c.19.

(c) The Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999 (S.I. 1999/2337, as amended by S.I. 2001/3788, 2002/880, 2002/2469, 2004/696, 2004/865, 2004/1771, 2005/848 and 2006/562).

(d) The National Health Service Trusts (Consultation on Establishment and Dissolution) Regulations 1996 (S.I. 1996/653, as amended by S.I. 2001/3788).

“old PCT” means the Isle of Wight Primary Care Trust established by the Isle of Wight Primary Care Trust (Establishment) Order 2002(a); and

“old trust” means the Isle of Wight Healthcare National Health Service Trust established by the Isle of Wight Healthcare National Health Service Trust (Establishment) Order 1996(b).

Establishment and operational date

2.—(1) There is established a Primary Care Trust called the Isle of Wight National Health Service Primary Care Trust.

(2) The operational date of the trust is 1st October 2006.

Area of new PCT

3. The new PCT is established for the area specified in the Schedule.

Dissolution

4. The old trust and the old PCT are dissolved.

Accounts

5. Any duty imposed on the old trust or the old PCT by or under section 98 of the National Health Service Act 1977(c), but not performed by 1st October 2006, shall be performed by the new PCT.

Winding up of affairs

6. The new PCT shall take such action as may be necessary for the winding up of the affairs of the old trust and the old PCT.

Provision for continuity in the exercise of functions

7.—(1) Anything done before 1st October 2006 by or in relation to the old trust or the old PCT shall be treated on and after that date as if done by or in relation to the new PCT.

(2) The reference in paragraph (1) to anything done by or in relation to the old trust or the old PCT includes without limitation any applications made, any authorisations, directions or notices given, and any complaints made, to, by or in relation to the old trust or the old PCT.

(3) Any instrument made by the old trust or the old PCT continues in force in relation to the new PCT in accordance with its terms until it is varied or revoked by the new PCT.

(4) Any form supplied by the old trust or the old PCT, or any form supplied by the Secretary of State in relation to the old trust or the old PCT, continues to be a valid form in relation to the new

(a) S.I. 2002/2982, as amended by S.I. 2002/1405.

(b) S.I. 1996/2768.

(c) Section 98 was amended by section 12 of, and paragraph 3 of Schedule 5 to, the Health and Social Services and Social Security Adjudications Act 1983 (c.41), sections 6 and 24 of, and Part 1 of Schedule 8 to, the 1984 Act, section 12 of the Health and Medicines Act 1988 (c.49), sections 5, 11(7), 20(2) and 66(2) of, paragraph 24(2) of Schedule 2 to, and Schedule 10 to, the 1990 Act, sections 2(1) and 5(1) of, paragraphs 50(a) and (d) of Schedule 1 to, and Schedule 3 to, the 1995 Act, section 65 of, paragraphs 4 and 33 of Schedule 4 to, and Schedule 5 to, the 1999 Act, article 3(1) of, and paragraphs 13(1) and (6) of Schedule 1 to, the Health Act 1999 (Supplementary, Consequential etc Provisions) Order S.I. 2000/90, sections 1(3) and 6(2) of, paragraphs 1 and 29 of Schedule 1 to, and paragraphs 4 and 21 of Schedule 5 to, the 2002 Act, sections 184 and 196 of, paragraphs 7 and 33 of Schedule 11 to, and Part 4 of Schedule 14 to, the 2003 Act, section 7 of, paragraph 4 of Schedule 3 to, and Schedule 4 to, the Health (Wales) Act 2003 (c.4), article 2(2) of, and paragraph 1 of Schedule 2 to, the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order S.I. 2003/1324, section 66 of, and paragraph 2 of Schedule 2 to, the Public Audit (Wales) Act 2004 (c.23), article 2(2) of, and paragraph 1 of Schedule 2 to, the Government Resources and Accounts Act 2000 (Audit of Health Service Bodies) Order S.I. 2004/1714 and by article 2 of the Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order S.I. 2005/1074.

PCT until it is cancelled or withdrawn by the Secretary of State or the new PCT, as if any reference contained in that form to the old trust or the old PCT were a reference to the new PCT.

(5) So far as is necessary or appropriate, a reference in an agreement or other instrument to the old trust or the old PCT shall be treated on and after 1st October 2006 as a reference to the new PCT.

Revocations

8. The Isle of Wight Healthcare National Health Service Trust (Establishment) Order 1996 and the Isle of Wight Primary Care Trust (Establishment) Order 2002 are revoked.

Signed by authority of the Secretary of State for Health

20th September 2005

Norman Warner
Minister of State
Department of Health

SCHEDULE

Article 3

Area of Trust

The county of Isle of Wight.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment on 1st October 2006 of a Primary Care Trust for the Isle of Wight, to be called the Isle of Wight National Health Service Primary Care Trust (article 2).

It also provides for the dissolution on that date of the Isle of Wight Healthcare National Health Service Trust established on 11th November 1996, and the Isle of Wight Primary Care Trust established on 1st April 2001 (article 4). The Order makes provision at articles 5 and 6 for the Isle of Wight National Health Service Primary Care Trust to complete the accounts and wind up the affairs of the two bodies dissolved by this Order. There is provision for continuity in the exercise of the functions of these bodies at article 7.

A full regulatory impact assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies.

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