
STATUTORY INSTRUMENTS

2006 No. 828

NATIONAL HEALTH SERVICE, ENGLAND

The Northumberland, Tyne and Wear National Health Service Trust (Establishment) and the South of Tyne and Wearside Mental Health National Health Service Trust, the Northgate and Prudhoe National Health Service Trust and the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust (Dissolution) Order 2006

Made - - - - *16th March 2006*

Coming into force - - *1st April 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred upon her 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).

The Secretary of State for Health considers it appropriate in the interests of the health service to dissolve the South of Tyne and Wearside Mental Health National Health Service Trust(3), the Northgate and Prudhoe National Health Service Trust(4) and the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust(5), 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).

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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), 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. 2002/1324.
- (4) Established by S.I. 1994/198.
- (5) Established by S.I. 2001/213.
- (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 Northumberland, Tyne and Wear National Health Service Trust (Establishment) and the South of Tyne and Wearside Mental Health National Health Service Trust, the Northgate and Prudhoe National Health Service Trust and the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust (Dissolution) Order 2006 and shall come into force on 1st April 2006.

(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 she has a duty to provide under section 5(1) 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 Northumberland, Tyne and Wear 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 Northumberland, Tyne and Wear 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 2006.

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

Dissolution of NHS trusts and revocation of orders

6. On the dissolution date—

(a) the South of Tyne and Wearside Mental Health National Health Service Trust, which was established by the South of Tyne and Wearside Mental Health National Health Service

(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”), by paragraph 46 of Schedule 37 to the Education Act 1996 (c. 56) and by section 196 of, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c. 43); 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”).

Trust (Establishment) and the Priority Healthcare Wearside National Health Service Trust (Dissolution) Order 2002⁽⁸⁾;

- (b) the Northgate and Prudhoe National Health Service Trust, which was established by the Northgate and Prudhoe National Health Service Trust (Establishment) Order 1994⁽⁹⁾; and
- (c) the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust, which was established by the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust (Establishment) Order 2001⁽¹⁰⁾,

are dissolved, and accordingly their Establishment Orders are revoked.

Signed by authority of the Secretary of State for Health

16th March 2006

Liam Byrne
Parliamentary Under Secretary of State,
Department of Health

⁽⁸⁾ S.I. 2002/1324.
⁽⁹⁾ S.I. 1994/198.
⁽¹⁰⁾ S.I. 2001/213.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Northumberland, Tyne and Wear 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 South of Tyne and Wearside Mental Health National Health Service Trust, the Northgate and Prudhoe National Health Service Trust and the Newcastle, North Tyneside and Northumberland Mental Health National Health Service Trust and revokes their Establishment Orders.