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STATUTORY INSTRUMENTS

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**2007 No. 478**

**NATIONAL HEALTH SERVICE, ENGLAND**

The NHS Direct National Health Service  
Trust (Establishment) Order 2007

*Made* - - - - 20th February 2007

*Coming into force* - - - 1st April 2007

The Secretary of State for Health makes the following Order in exercise of the powers conferred upon her by section 5(1) of, and paragraphs 1 and 3 of Schedule 2 to, the National Health Service and Community Care Act 1990(1).

The Secretary of State for Health has completed the consultation prescribed under section 5(2) of the National Health Service and Community Care Act 1990(2).

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the NHS Direct National Health Service Trust (Establishment) Order 2007 and shall come into force on 1st April 2007.

(2) In this Order—

“the 2006 Act” means the National Health Service Act 2006(3);

“health service professional” means any person who is regulated by any of the regulatory bodies mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002 (bodies within the remit of Council for the Regulation of Health Care Professionals)(4);

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- (1) 1990 c.19; section 5(1) was amended by sections 13(1)(a) and (10) and 65(2) of, and Schedule 5 to, the Health Act 1999 (c.8) (“the 1999 Act”); paragraph 3 of Schedule 2 was amended by section 2(1) of, and paragraphs 65 and 85(a) of Schedule 1 to, the Health Authorities Act 1995 (c.17) (“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. With effect from 1st March 2007, section 5(1) of the National Health Service and Community Care Act 1990 (“the 1990 Act”) will be repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 (c.43) (“the 2006 Consequential Act”), and consolidated in section 25(1) of the National Health Service Act 2006 (c.41) (“the 2006 Consolidation Act”) and paragraphs 1 and 3 of Schedule 2 to the 1990 Act will be repealed by section 6 of, and Schedule 4 to, the 2006 Consequential Act and consolidated in sections 25(2) and 272(2) and paragraph 5 of Schedule 4 to the 2006 Consolidation Act.
- (2) 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. With effect from 1st March 2007, section 5(2) of the 1990 Act will be repealed by section 6 of, and Schedule 4 to, the 2006 Consequential Act and consolidated in section 25(3) of the 2006 Consolidation Act.
- (3) 2002 c.17.
- (4) 2002 c.17.

“health service provider” means any person (other than an NHS body or health service professional), providing pharmaceutical services, primary dental services, primary medical services or primary or general ophthalmic services;

“general ophthalmic services” means services which are general ophthalmic services for the purposes of Part II of National Health Service Act 1977<sup>(5)</sup>;

“NHS Bodies” means Strategic Health Authorities, Special Health Authorities, Primary Care Trusts, NHS trusts and NHS foundation trusts within the meaning of Part 2 of the 2006 Act;

“operational date” has the meaning assigned to it in paragraph 5(5) of Schedule 4 to the 2006 Act;

“pharmaceutical services” means services provided-

- (a) under section 126 of the 2006 Act;
- (b) in accordance with a direction under section 127 of the 2006 Act; or
- (c) local pharmaceutical services or piloted services within the meaning of section 134(7) of the 2006 Act;

“primary dental services” means services which are primary dental services for the purposes of Part 5 of the 2006 Act;

“primary medical services” means services which are primary medical services for the purposes of Part 4 of the 2006 Act;

“primary ophthalmic services” means services which are primary ophthalmic services for the purposes of Part 6 of the 2006 Act;

“statutory health bodies” means any body (other than an NHS body or health service provider), established by or under an enactment and —

- (a) providing services in connection with the provision of, or
  - (b) exercising functions in relation to,
- the health service in England; and

“the trust” means NHS Direct 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 NHS Direct National Health Service Trust.

### **Nature and functions of the trust**

3.—(1) The trust is established for the purposes specified in section 25(1) of the 2006 Act.

(2) The trust’s functions shall be to provide goods and services for the purposes of the health service and, in particular, to provide—

- (a) health related information to the public, NHS bodies, health service professionals, health service providers and statutory health bodies;
- (b) clinical advice to the public in relation to persons with symptomatic conditions; and
- (c) such other services as can reasonably be carried out in conjunction with the provision of the services specified in sub-paragraphs (a) and (b).

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(5) 1977 c.49. With effect from 1st March 2007 the 1977 Act will be repealed with certain transitional savings and exceptions by section 6 of and Schedule 4 to, the 2006 Consequential Act and consolidated in the 2006 Consolidation Act. The provisions in relation to ophthalmic services will come into force on a date to be appointed by the Secretary of State.

**Directors of the trust**

4. The trust shall have 8 non-executive directors (including the chairman), and 5 executive directors.

**Operational date and accounting date of the trust**

5.—(1) The operational date of the trust shall be 1st April 2007.

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

Signed by authority of the Secretary of State for Health

20th February 2007

*Andy Burnham*  
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 NHS Direct National Health Service Trust as a National Health Service trust under the terms set out in section 25 of the National Health Service Act 2006.

The Order sets out the functions of the trust (article 3), the number of non-executive and 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 should be read in conjunction with the NHS Direct Special Health Authority Abolition Order 2007 ([S.I. 2007/504](#)).

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.