

2012 No. 788

NATIONAL HEALTH SERVICE, ENGLAND

**The Torbay and Southern Devon Health and Care National
Health Service Trust (Establishment) Order 2012**

Made - - - - - *10th March 2012*

Coming into force - - - - - *1st April 2012*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1) and 272(7) of, and paragraph 5 of Schedule 4 to, the National Health Service Act 2006(a).

The Secretary of State for Health makes this Order following the completion of the consultation prescribed under section 25(3) of the National Health Service Act 2006(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Torbay and Southern Devon Health and Care National Health Service Trust (Establishment) Order 2012 and comes into force on 1st April 2012.

(2) In this Order—

“the Act” means the National Health Service Act 2006;

“community health services” means any service which the Secretary of State has a duty to provide under section 3(1)(d) or (e) of, or paragraph 1 or 8 of Schedule 1 to, the Act and any service which the Secretary of State may provide under paragraph 2 or 7A(c) of that Schedule;

“the trust” means the National Health Service trust established by article 2.

Establishment and name of the trust

2. There is established a National Health Service trust which is called the Torbay and Southern Devon Health and Care National Health Service Trust.

Nature and functions of the trust

3. 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.

(a) 2006 c.41.

(b) See S.I. 2010/743.

(c) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14) and amended by S.I. 2010/1158 which also amended paragraphs 1 and 2 of that Schedule.

Directors of the trust

4.—(1) The trust shall have, in addition to the chairman, 5 executive directors and 5 non-executive directors.

(2) If the Secretary of State suspends the chairman, or a non-executive director of the trust, the number of non-executive directors of the trust shall increase during the period of suspension by the number of persons so suspended.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust is 1st April 2012.

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

Signed by authority of the Secretary of State for Health.

10th March 2012

Simon Burns
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes a National Health Service trust called the Torbay and Southern Devon Health and Care National Health Service Trust.

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).

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