

2013 No. 531

NATIONAL HEALTH SERVICE, ENGLAND

**The Gloucestershire Care Services National Health Service
Trust (Establishment) Order 2013**

Made - - - - *7th March 2013*

Coming into force - - *22nd March 2013*

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 paragraphs 5 and 7 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 Gloucestershire Care Services National Health Service Trust (Establishment) Order 2013 and comes into force on 22nd March 2013.

(2) In this Order—

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

“community health services” means any services—

- (a) whose provision must be arranged by a clinical commissioning group under section 3(1)(d) or (e) of the Act(c);
- (b) which are of a kind mentioned in section 3(1)(d) or (e) of the Act, but—
 - (i) whose provision must be arranged by the Board under regulations made under section 3B of the Act(d); or
 - (ii) which may be provided by the Secretary of State or a local authority under section 2B of the Act(e);

(a) 2006 c.41. Section 179(2) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”) provides for the repeal of section 25 of the National Health Service Act 2006 (“the 2006 Act”) (subsection (4) of which gives Schedule 4 effect) but this provision is not yet in force. Paragraphs 5 and 7 of Schedule 4 to the 2006 Act are amended by paragraph 22(2) and (4) of Schedule 4 to the 2012 Act but these provisions are not yet in force.

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

(c) Section 3(1) of the 2006 Act was amended by section 13(1) and (2) of the 2012 Act.

(d) Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. The regulations made under that section are currently the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996).

(e) Section 2B of the 2006 Act was inserted by section 12 of the 2012 Act.

- (c) which a local authority must provide under paragraph 1 of Schedule 1 to the Act^(a);
 - (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the Act^(b);
or
 - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the Act;
- “establishment date” means 22nd March 2013;
- “operational date” has the meaning assigned to it in paragraph 5(5) of Schedule 4 to the Act;
- “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 Gloucestershire Care Services 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.

Directors of the trust

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

(2) If the Secretary of State suspends the chair, 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 shall be 1st April 2013.

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

Limited functions before operational date

6. Between the establishment date and the operational date the trust has the functions—

- (a) of entering into NHS contracts;
- (b) of entering into other contracts including contracts of employment; and
- (c) of doing such things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from the operational date.

Assistance by Strategic Health Authority before operational date

7.—(1) The South West Strategic Health Authority^(c) must discharge the liabilities of the trust incurred during the period from and including the establishment date until the operational date that are of a description specified in paragraph (2).

(2) The liabilities referred to in the preceding paragraph are—

(a) Paragraph 1 of Schedule 1 to the 2006 Act was amended by section 17(2) and (3) of the 2012 Act.

(b) Paragraph 2 of Schedule 1 to the 2006 Act was amended by section 17(2) and (4) of the 2012 Act, and paragraph 7A of Schedule 1 to the 2006 Act was inserted by section 143(1) of the Health and Social Care Act 2008 (c. 14) and amended by section 17(2) and (7) of the 2012 Act.

(c) Established by the Strategic Health Authorities (Establishment and Abolition) (England) Order 2006, (S.I. 2006/1408 amended by S.I. 2006/1448).

- (a) liability for the remuneration and travelling or other allowances of the chair and non-executive directors of the trust;
- (b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust;
- (c) liability for the remuneration of persons employed by the trust; and
- (d) any other liability which may reasonably be incurred by the trust for the purpose of enabling it to begin to operate satisfactorily with effect from its operational date.

Signed by authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

7th March 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes on 22nd March 2013 a National Health Service trust called the Gloucestershire Care Services National Health Service Trust (“the trust”).

The Order sets out the functions of the trust (article 3) and the number of executive and non-executive directors of the trust (article 4). It also sets out the operational date (the date on which the trust assumes all its functions), the accounting date of the trust (article 5), the limited functions that the trust may carry out between its establishment and operational dates (article 6) and makes provision for assistance to be given by the South West Strategic Health Authority (article 7).

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STATUTORY INSTRUMENTS

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