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STATUTORY INSTRUMENTS

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**2018 No. 431**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Plymouth Hospitals National Health Service  
Trust (Establishment) (Amendment) Order 2018**

*Made* - - - - *27th March 2018*  
*Coming into force* - - *1st April 2018*

The Secretary of State for Health and Social Care makes the following Order in exercise of the powers conferred by sections 25(1), 272(7)(a) and (8)(a) of the National Health Service Act 2006<sup>(1)</sup>. In accordance with section 25(3) of that Act, the consultation period prescribed in regulations made under that section has been completed<sup>(2)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Plymouth Hospitals National Health Service Trust (Establishment) (Amendment) Order 2018 and comes into force on 1st April 2018.

(2) In this Order, “the Establishment Order” means the Plymouth Hospitals National Health Service Trust (Establishment) Order 1993<sup>(3)</sup>.

**Change of name and savings**

2.—(1) In article 1(2) of the Establishment Order (citation, commencement and interpretation) in the definition of “the trust”, for “Plymouth Hospitals” substitute “University Hospitals Plymouth”.

(2) In article 2 of the Establishment Order, for “Plymouth Hospitals” substitute “University Hospitals Plymouth”.

(3) The change of name effected by paragraphs (1) and (2) does not—

- (a) affect any right or obligation of any person; or
- (b) invalidate any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the Plymouth Hospitals National Health Service Trust,

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(1) [2006 c.41](#) (“the 2006 Act”). Section 179(2) of the Health and Social Care Act 2012 ([c.7](#)) provides for the repeal of section 25 of the 2006 Act but this provision is not yet in force.

(2) [S.I. 2010/743](#), to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) of [S.I. 2010/743](#) is, before making an order under section 25(1) of the 2006 Act in relation to an NHS trust, consultation by the Secretary of State with that NHS trust.

(3) [S.I. 1993/2568](#); relevant amending instrument is [S.I. 2013/593](#).

and all instruments or other documents which refer to that name must be construed as referring to the University Hospitals Plymouth National Health Service Trust.

### **Change to nature and functions of the trust**

3. For article 3 of the Establishment Order (nature and functions of the trust), substitute—

“3. The trust’s functions are to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service.”.

### **Change of requirements relating to directors**

4. For article 4 of the Establishment Order (directors of the trust), substitute—

“4.—(1) The trust shall have, in addition to the chairman, 6 non-executive directors and 5 executive directors.

(2) Since the trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 5(1)(d) of Schedule 4 to the 2006 Act, one of the non-executive directors must be appointed from the University of Plymouth.”.

### **Removal of specification of “operational date”**

5.—(1) In article 1(2) of the Establishment Order (citation, commencement and interpretation), omit the definition of “operational date”.

(2) For article 5 of the Establishment Order (operational date and accounting date of the trust) and the heading to that article, substitute—

#### **“Accounting date of the trust**

5. The accounting date of the trust is 31st March.”.

### **Revocation of expired provisions**

6. Article 6 (limited functions before operational date) and article 7 (assistance by health authorities before operational date) of the Establishment Order are revoked.

### **Consequential provision**

7. In article 1(2) of the Establishment Order (citation, commencement and interpretation), omit the definition of “the Act”.

Signed by authority of the Secretary of State for Health and Social Care.

27th March 2018

*Stephen Barclay*  
Minister of State,  
Department of Health and Social Care

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Plymouth Hospitals National Health Service Trust (Establishment) Order 1993, which established the Plymouth Hospitals National Health Service Trust.

Article 2 changes the name of the trust to the University Hospitals Plymouth National Health Service Trust.

Article 3 sets out the nature and functions of the trust as being to provide hospital accommodation and services and community health services. It removes reference to section 5 of the National Health Service and Community Care Act 1990 (which has been repealed) and removes the reference to the particular establishments and facilities from which the trust carries out its functions.

Article 4 increases the number of non-executive directors, in addition to the chairman, that the trust must have from 5 to 6. It also requires one of these non-executive directors to be appointed from the University of Plymouth.

Article 5 omits the definition and specification of the trust's "operational date" as it is of no on-going relevance.

Article 6 revokes articles 6 and 7 of the Plymouth Hospitals National Health Service Trust (Establishment) Order 1993 as they relate to the period before the operational date and are of no on-going relevance.

Article 7 makes consequential provision to remove a definition that is of no on-going relevance.

A full impact assessment has not been produced for this instrument as it has no effect on private sector or civil society organisations, and no significant effect on the public sector.