STATUTORY INSTRUMENTS

1993 No. 3024 (S.282)

NATIONAL HEALTH SERVICE, SCOTLAND

The Renfrewshire Healthcare National Health Service Trust (Establishment) Order 1993

Made	- - - -	*2nd December 1993*
Coming into force	- -	*6th December 1993*

The Secretary of State, in exercise of powers conferred on him by sections 12A(1) and (4) of and paragraphs 1, 3, 4, 5 and 6(2)(d) of Schedule 7A to the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling him in that behalf, having received and considered the results of the consultation carried out by Argyll and Clyde Health Board with the bodies specified in regulation 3 of the National Health Service Trusts (Consultation before Establishment) (Scotland) Regulations 1991(**2**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Renfrewshire Healthcare National Health Service Trust (Establishment) Order 1993 and shall come into force on 6th December 1993.

(2) In this Order unless the context otherwise requires–

"the Act" means the National Health Service (Scotland) Act 1978;

"establishment date" means 6th December 1993;

"operational date" has the meaning assigned to it in paragraph 3(1)(e) of Schedule 7A to the Act;

"the trust" means the Renfrewshire Healthcare National Health Service Trust established by article 2 of this Order.

Establishment of the trust

2. There is hereby established an NHS trust which shall be called the Renfrewshire Healthcare National Health Service Trust.

(**1**) 1978 c. 29; section 12A(1) was inserted by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 31; Schedule 7A was inserted by the 1990 Act, Schedule 6; paragraph 1 of Schedule 7A is cited for the definition of "an order".

(**2**) S.I. 1991/358.

Nature and functions of the trust

3.—(1) The trust is established for the purpose specified in section 12A(1)(a) of the Act.

(2) The trust's functions (which include functions which the Secretary of State considers appropriate in relation to the provision of services by the trust for one or more health boards) shall be to own and manage the hospital establishments or facilities known as Dykebar Hospital and Hawkhead Hospital, both in Paisley, Bridge of Weir Hospital, Merchiston Hospital and Johnstone Hospital, both in Johnstone and Ravenscraig Hospital, Greenock, and establishments associated with those hospitals, including management of the facilities provided at and from those establishments, and also including the management of any teaching and research facilities associated with these establishments and the support services related thereto.

Directors of the trust

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

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st April 1994.

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

Limited functions before operational date

6. Between its establishment date and its operational date in order to enable it to begin to operate satisfactorily from the operational date the trust shall have the limited functions of–

    (a) entering into NHS contracts;

    (b) entering into other contracts including contracts of employment;

    (c) acquiring or disposing of land and other property; and

    (d) doing such other things as are reasonably necessary for the said purposes.

Assistance by health boards before operational date

7.—(1) The Argyll and Clyde Health Board shall–

    (a) until the operational date, make such staff and facilities available to the trust as are required to enable the trust to carry out its limited functions pending the transfer or appointment of staff to or by the trust and the transfer of facilities to the trust;

    (b) make available such premises as are required to enable the trust to carry out its limited functions pending the transfer of those premises to the trust.

(2) The Argyll and Clyde Health Board shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (3) of this article.

(3) The liabilities referred to in the preceding paragraph are–

    (a) liability for the remuneration and travelling or other allowances of the chairman 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 the operational date.

(4) The health board specified for the purposes of paragraph 3(1)(f) of Schedule 7A to the Act (body which is to make the scheme under section 12B of the Act for the transfer of staff) in relation to the trust shall be the Argyll and Clyde Health Board.

Restriction on disposal of assets

8. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 7A to the Act (maximum value of freely disposable assets) in relation to the trust shall be £500,000.

St Andrew's House,
Edinburgh
2nd December 1993

Fraser of Carmyllie
Minister of State, Scottish Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Renfrewshire Healthcare National Health Service Trust, an NHS trust provided for in section 12A of the National Health Service (Scotland) Act 1978. It also provides for the functions of the trust both before (article 6) and after (article 3) its operational date (the date on which it assumes all its functions). It specifies the operational date and the accounting date of the trust (article 5) and makes provision for assistance to the trust by the appropriate health board before its operational date (article 7).