
STATUTORY INSTRUMENTS

1997 No. 419

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Invicta Community Care National Health
Service Trust (Establishment) Order 1997**

Made - - - - 24th February 1997

Coming into force - - 1st April 1997

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, 4, 5 and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990⁽¹⁾ and of all other powers enabling him in that behalf, having completed the consultation prescribed by section 5(2) of that Act⁽²⁾, and considering it appropriate to include, among the functions of the NHS trust established by this Order certain functions in relation to the provision of services by the trust for Health Authorities or Special Health Authorities⁽³⁾, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Invicta Community Care National Health Service Trust (Establishment) Order 1997 and shall come into force on 1st April 1997.

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

“the Act” means the National Health Service and Community Care Act 1990;

“community health services” means any service which the Secretary of State may provide under section 3(1)(d) or (e) of, or Schedule 1 to, the National Health Service Act 1977 and any service which he has a duty to provide under section 5(1) or (1A) of that Act⁽⁴⁾;

“operational date” has the meaning assigned to it in paragraph 3(1)(e) of Schedule 2 to the Act;

“the trust” means the Invicta Community Care National Health Service Trust established by article 2 of this Order.

(1) 1990 c. 19; paragraph 1 of Schedule 2 is cited for the definition of “an order”.
(2) Section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17); see S.I. 1996/653.
(3) See section 5(6) of the National Health Service and Community Care Act 1990 (c. 19).
(4) 1977 c. 49; section 5(1) was amended by, and section 5(1A) and (1B) were inserted by, the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Act 1980 (c. 20), Schedule 1 and the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7.

Establishment of the trust

2. There is hereby established an NHS trust which shall be called the Invicta Community Care National Health Service Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purpose specified in section 5(1)(a) of the Act.

(2) The trust's functions shall be—

- (a) to own and manage hospital accommodation and services at Sevenoaks Hospital, Hospital Road, Sevenoaks, Kent TN13 3PG and associated hospitals;
- (b) to own and manage hospital accommodation and services provided at 180 Union Street, Maidstone, Kent ME14 1EY and associated hospitals;
- (c) to manage community health services provided from Michel Tetly Hall, Sandhurst Road, Tunbridge Wells, Kent TN2 3JP and to own the associated premises;
- (d) to manage community health services provided from 180 Union Street, Maidstone, Kent ME14 1EY and to own the associated premises.

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 1 April 1997.

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

Restriction on disposal of assets

6. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 2 to the Act (maximum value of freely disposable assets) in relation to the trust shall be £1,000,000.

Signed by authority of the Secretary of State for Health

24th February 1997

John Horam
Parliamentary under Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Invicta Community Care National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It also provides for the functions of the trust (article 3). It specifies the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5), and it specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the assets (article 6).