

1999 No. 2921

NATIONAL HEALTH SERVICE, ENGLAND

**The University Hospitals of Leicester National Health
Service Trust (Establishment) Order 1999**

Made - - - - *22nd October 1999*

Coming into force *1st November 1999*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990(a) and of all other powers enabling him in that behalf, having completed the consultation prescribed by section 5(2) of that Act(b), hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the University Hospitals of Leicester National Health Service Trust (Establishment) Order 1999 and shall come into force on 1st November 1999.

(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 services 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(c);

“establishment date” means 1st November 1999;

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

“the trust” means the University Hospitals of Leicester National Health Service Trust established by article 2 of this Order.

Establishment and name of the trust

2. There is hereby established an NHS trust which shall be called the University Hospitals of Leicester National Health Service Trust.

(a) 1990 c.19; paragraph 1 of Schedule 2 is cited for the definition of “an order”. Section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c.17) and by section 13 of the Health Act 1999 (c.8).

(b) See S.I. 1996/653.

(c) 1977 c.49; section 5(1) was amended by, and section 5(1A) was inserted by, the “Health and Medicines Act 1988 (c.49) (“the 1988 Act”); section 10(1); Schedule 1 was amended by the Education Reform Act 1988 (c.40), Schedule 1, by paragraph 7 of Schedule 2 to the 1988 Act and by the Education Act 1996 (c.56) Schedule 37, paragraph 46.

Nature and functions of the trust

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

(2) The trust's functions shall be—

(a) to provide goods and services for the purposes of the health service at—

- (i) Glenfield Hospital, Groby Road, Leicester LE3 9QP;
- (ii) Leicester General Hospital, Gwendolen Road, Leicester LE5 4PW;
- (iii) Leicester Royal Infirmary, Infirmary Square, Leicester LE1 5WW,

and at associated hospitals; and

(b) to provide community health services from—

- (i) Glenfield Hospital, Groby Road, Leicester LE3 9QP;
- (ii) Leicester General Hospital, Gwendolen Road, Leicester LE5 4PW;
- (iii) Leicester Royal Infirmary, Infirmary Square, Leicester LE1 5WW.

Directors of the trust

4. The trust shall have, in addition to the chairman, 6 non-executive directors and 5 executive directors.

Significant teaching commitment

5.—(1) The trust is to be regarded as having a significant teaching commitment by virtue of paragraph 3(2)(d) of Schedule 2 to the Act.

(2) One of the non-executive directors of the trust shall be appointed from the University of Leicester.

Operational date and accounting date of the trust

6.—(1) The operational date of the trust shall be 1st April 2000.

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

Limited functions before operational date

7. Between its establishment date and its operational date the trust shall have the functions—

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

Assistance by Health Authorities before operational date

8.—(1) The Leicestershire Health Authority shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (2) of this article.

(2) 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.

Restriction on disposal of assets

9. 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

22nd October 1999

Yvette Cooper
Parliamentary Under Secretary of State for Public Health,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the University Hospitals of Leicester 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 both before (article 7) and after (article 3) its operational date (the date on which it assumes all its functions) and the number of executive and non-executive directors (article 4), and that one of the latter shall be appointed from the University of Leicester (article 5). It specifies the operational date and the accounting date of the trust (article 6) and makes provision for assistance to the trust by Leicestershire Health Authority before its operational date (article 8). Finally, it specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the assets (article 9).

This Order should be read in conjunction with the Glenfield Hospital, the Leicester General Hospital and the Leicester Royal Infirmary National Health Service Trusts (Dissolution) Order 1999.

£1.50

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under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament.

WO 5631 11/99 570/1 2844 343296 (116754)

ISBN 0-11-085418-7



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