

1999 No. 3467

NATIONAL HEALTH SERVICE, ENGLAND

**The Birmingham Specialist Community Health National
Health Service Trust (Establishment) Order 1999**

Made - - - *22nd December 1999*

Coming into force *1st January 2000*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, 4 and 5 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, commencement and interpretation

1.—(1) This Order may be cited as the Birmingham Specialist Community Health National Health Service Trust (Establishment) Order 1999 and shall come into force on 1st January 2000.

(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 January 2000;

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

“the trust” means the Birmingham Specialist Community Health 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 Birmingham Specialist Community Health National Health Service Trust.

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 to provide, at or from Moseley Hall Hospital, Alcester Road, Moseley, Birmingham B13 8JK and associated premises, goods and the following services, namely—

(a) community health services; and

(b) hospital accommodation and services (including the management of teaching and research facilities)

for the purposes of the health service.

(a) 1990 c. 19; section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) and by the Health Act 1999 (c. 8) section 13; paragraph 1 of Schedule 2 is cited for the definition of “an order”; paragraph 3 of Schedule 2 to the 1990 Act was amended by the Health Act 1999 section 13(7).

(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), section 10(1), Schedule 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 1, the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7 and the Education Act 1996 (c. 56) Schedule 37, paragraph 46.

Directors of the trust

4. The trust shall have, in addition to the chairman, 5 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)(a) of Schedule 2 to the Act.

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

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 the establishment date and the 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 things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from the operational date.

Assistance by Health Authorities before operational date

8.—(1) The Birmingham Health Authority shall 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) 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 its operational date.

Signed by authority of the Secretary of State for Health

22nd December 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 on 1st January 2000 the Birmingham Specialist Community Health National Health Service Trust (“the new trust”), an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It provides for the functions of the new trust (article 3), specifies the number of executive and non-executive directors of the new trust (article 4) and specifies that one of the non-executive directors shall be appointed from the University of Birmingham (article 5). It also specifies the operational date (the date on which the new trust assumes all its functions), the accounting date of the new trust (article 6), and the limited functions that the new trust may carry out between its establishment and operational dates (article 7), and makes provision for assistance to be given by Birmingham Health Authority between those dates (article 8).

This Order should be read in conjunction with the Northern Birmingham Community Health and the Southern Birmingham Community Health National Health Service Trusts (Dissolution) Order 1999(a).

(a) S.I. 1999/3466.

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