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STATUTORY INSTRUMENTS

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**1999 No. 792**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The South Lincolnshire Community and Mental  
Health Services National Health Service Trust  
(Establishment) Amendment Order 1999**

*Made* - - - - *11th March 1999*

*Coming into force* - - *1st April 1999*

The Secretary of State for Health, in exercise of the powers conferred on him by section 126(3) of the National Health Service Act 1977(1) and section 5(1) of the National Health Service and Community Care Act 1990(2) and of all other powers enabling him in that behalf, after completion of the consultation prescribed under section 5(2) of the latter Act(3), considering it appropriate that the functions of the trust should include functions in relation to the provision of services for one or more Health Authorities(4), hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the South Lincolnshire Community and Mental Health Services National Health Service Trust (Establishment) Amendment Order 1999 and shall come into force on 1st April 1999.

(2) In this Order—

“the Order” means the South Lincolnshire Community and Mental Health Services National Health Service Trust (Establishment) Order 1992(5);

“the trust” means the National Health Service trust established by the Order.

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(1) 1977 c. 49; section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”) and by paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by section 41(10) and paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46).

(2) 1990 c. 19; section 5 was amended by paragraph 69 of Schedule 1 to the 1995 Act.

(3) See S.I. 1996/653, regulation 2(2).

(4) See section 5(6) of the 1990 Act.

(5) S.I. 1992/2485, as amended by S.I. 1997/1186.

### **Change of name of NHS trust**

2. The trust shall be called the South Lincolnshire Healthcare National Health Service Trust instead of the South Lincolnshire Community and Mental Health Services National Health Service Trust, and accordingly in article 1 of the Order in the definition of “the trust”, and in article 2 of the Order, for the words “Community and Mental Health Services” there is substituted the word “Healthcare”.

### **Transitional provisions**

3. The change of name under this Order shall not—
- (a) affect any right or obligation of any person; or
  - (b) be taken as invalidating any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the trust by its previous name; and all instruments and other documents which refer to the trust under its previous name shall be construed as referring to it under its new name.

### **Change of functions of NHS trust**

4. For article 3 of the Order, there shall be substituted the following article:—

#### **“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 own and manage pursuant to section 5(1)(a) of the Act Orchard House, South Rauceby, Sleaford, Lincolnshire NG34 8PP, and there to provide hospital accommodation and services, and there and from there to provide and manage community health services; and
  - (b) to provide and manage pursuant to section 5(1)(b) of the Act hospitals or other establishments or facilities in Lincolnshire, and there and from there to provide and manage community health services.”.

### **Change in number of non-executive and executive directors of NHS trust**

5. In article 4 of the Order for “4 non-executive” there shall be substituted “5 non-executive” and for “4 executive” there shall be substituted “5 executive”.

Signed by authority of the Secretary of State for Health

11th March 1999

*Tessa Jowell*  
Minister for Public Health,  
Department of Health

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## EXPLANATORY NOTE

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

This Order amends the Order (“the Establishment Order”) which established the South Lincolnshire Community and Mental Health Services National Health Service Trust (“the trust”).

The Establishment Order is amended to change the name of the trust from the South Lincolnshire Community and Mental Health Services National Health Service Trust to the South Lincolnshire Healthcare National Health Service Trust (articles 2 and 3).

The Establishment Order is further amended to confer on the trust the functions previously exercised by the Mulberry National Health Service Trust, which is dissolved by The Mulberry National Health Service Trust (Dissolution) Order 1999<sup>(6)</sup>. The Establishment Order is also amended to confer on the trust the purposes specified in section 5(1)(b) of the National Health Service and Community Care Act 1990 to provide and manage hospitals or other establishments or facilities in Lincolnshire (article 4).

Finally, the Establishment Order is amended to increase the number of non-executive directors and executive directors from 4 to 5 in each case (article 5).

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<sup>(6)</sup> S.I. 1999/790.