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STATUTORY INSTRUMENTS

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**2006 No. 366**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Birmingham Children's Hospital National Health Service Trust (Establishment) Amendment Order 2006**

*Made* - - - - *15th February 2006*

*Coming into force* - - *25th February 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred upon her by section 126(3) of the National Health Service Act 1977<sup>(1)</sup>, and by section 5(1) of, and paragraphs 3(1)(b) and (c) of Schedule 2 to, the National Health Service and Community Care Act 1990<sup>(2)</sup>.

In accordance with section 5(2) of the National Health Service and Community Care Act 1990<sup>(3)</sup>, the prescribed consultation has been completed<sup>(4)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Birmingham Children's Hospital National Health Service Trust (Establishment) Amendment Order 2006 and shall come into force on 25<sup>th</sup> February 2006.

(2) In this Order, “the Establishment Order” means the Birmingham Children's Hospital National Health Service Trust (Establishment) Order 1994<sup>(5)</sup>.

**Amendment of nature and functions of the trust**

2. Article 3(2) of the Establishment Order (nature and functions of the trust) shall be replaced by the following—

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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), paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c. 46). The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the Health Act 1999 (c. 8) (“the 1999 Act”).
- (2) 1990 c. 19; section 5(1) was amended by sections 13(1)(a) and (10) and 65(2) of, and Schedule 5 to, the 1999 Act; paragraph 3 of Schedule 2 was amended by paragraph 85(a) of Schedule 1 to the 1995 Act and by section 13(7) and (10) of, and paragraphs 74 and 83(1) and (2) of Schedule 4 to, the 1999 Act.
- (3) 1990 c. 19; section 5(2) was inserted by section 2(1) of, and paragraphs 65 and 69(b) of Part II of Schedule 1 to, the 1995 Act.
- (4) See S.I. 1996/653, as amended by S.I. 2001/3788.
- (5) S.I. 1994/3182, as amended by S.I. 1999/370.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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“(2) The trust’s functions shall be to provide goods and services, namely hospital accommodation and services, and community health services, for the purposes of the health service.”.

**Increase in the number of non-executive directors of the trust**

**3.** In article 4 of the Establishment Order (directors of the trust) “5 non-executive directors” shall be replaced by “6 non-executive directors”.

Signed by authority of the Secretary of State

15th February 2006

*Warner*  
Minister of State for Health,  
Department of Health

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## EXPLANATORY NOTE

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

This Order amends the Birmingham Children's Hospital National Health Service Trust (Establishment) Order 1994, which established the Birmingham Children's Hospital National Health Service Trust.

Article 2 of the Order removes the references to the establishments from which the trust carries out its functions. Article 3 of the Order increases the number of non-executive directors of the trust from 5 to 6.