

**2010 No. 185**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Ealing Hospital National Health Service Trust  
(Establishment) Amendment Order 2010**

*Made* - - - - *1st February 2010*

*Coming into force* - - *1st March 2010*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1), 272(7) and (8) and 273(1) of, and paragraph 5 of Schedule 4 to, the National Health Service Act 2006<sup>(a)</sup>.

In accordance with section 25(3) of that Act, the prescribed consultation has been completed<sup>(b)</sup>.

**Citation, commencement and interpretation**

**1.**—(1) This Order may be cited as the Ealing Hospital National Health Service Trust (Establishment) Amendment Order 2010 and shall come into force on 1st March 2010.

(2) In this Order—

“the Establishment Order” means the Ealing Hospital National Health Service Trust (Establishment) Order 1991<sup>(c)</sup>;

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

**Amendment of article 1 of the Establishment Order**

**2.** In article 1 of the Establishment Order (citation, commencement and interpretation), in paragraph (2)—

(a) for the definition of “the Act”, substitute—

““the Act” means the National Health Service Act 2006;”;

(b) after the definition of “the Act”, insert—

““community health services” means any services which the Secretary of State may provide under section 3(1)(d) or (e) of, or paragraph 2 or 7A<sup>(d)</sup> of Schedule 1 to, the Act and any service which he has a duty to provide under paragraph 1 or 8 of that Schedule;”;

(c) in the definition of “operational date” for “paragraph 3(1)(e) of Schedule 2 to the Act” substitute “paragraph 5(5) of Schedule 4 to the Act”.

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(a) 2006 c.41.

(b) See S.I. 1996/653, amended by S.I. 2001/3788.

(c) S.I. 1991/2340.

(d) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14).

### **Amendment of article 3 of the Establishment Order**

3. In article 3 of the Establishment Order (nature and functions of the trust)—
- (a) in paragraph (1), for “5(1)(a) of the Act”, substitute “25(1) of the Act”; and
  - (b) for paragraph (2), substitute—  
“(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.”.

### **Amendment of article 7 of the Establishment Order**

4. In article 7 of the Establishment Order (assistance by health authorities before operational date), omit paragraph (4).

Signed by authority of the Secretary of State for Health

1st February 2010

*Mike O’Brien*  
Minister of State  
Department of Health

### **EXPLANATORY NOTE**

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

This Order amends the Ealing Hospital National Health Service Trust (Establishment) Order 1993 (“the Establishment Order”), which established the Ealing Hospital National Health Service Trust.

Article 3 amends the provision of the Establishment Order which specifies the nature and functions of the trust, so as to remove the reference to section 5 of the National Health Service and Community Care Act 1990 (which has been repealed and is replaced by section 25 of the National Health Service Act 2006), remove the reference to the particular establishments and facilities from which the trust carries out its functions, and to increase the trust’s functions, in particular so that it may provide community health services in addition to hospital accommodation and services.

Article 4 makes a consequential amendment.

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