

2010 No. 741

NATIONAL HEALTH SERVICE, ENGLAND

**The Blackburn with Darwen Primary Care Trust (Change of
Name) (Establishment) Amendment Order 2010**

Made - - - -

8th March 2010

Coming into force - -

1st April 2010

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 18(2), 77(1), (2) and (6), 272(7) and (8) and 273(1) of, and paragraph 13(1) of Schedule 3 to, the National Health Service Act 2006^(a).

The Secretary of State considers that designation of the Blackburn with Darwen Primary Care Trust as a Care Trust would be likely to promote the effective exercise by that trust of prescribed health-related functions of a local authority as specified in section 77(1)(b) of the Act^(b).

The Secretary of State makes this Order following an application made to the Secretary of State under section 77(2) of the Act and following the consultation prescribed under section 18(5) of the Act^(c).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Blackburn with Darwen Primary Care Trust (Change of Name) (Establishment) Amendment Order 2010 and shall come into force on 1st April 2010.

(2) In this Order—

“the Establishment Order” means the Blackburn with Darwen Primary Care Trust (Establishment) Order 2000^(d);

“the trust” means the Primary Care 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) for the definition of “community health services”, substitute—

(a) 2006 c.41.

(b) The exercise of functions specified in section 77(1)(b) is the exercise of prescribed health-related functions of a local authority in conjunction with prescribed NHS functions; the functions are prescribed by the NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000 (S.I. 2000/617).

(c) See S.I. 1999/2337, relevant amending instruments are S.I. 2001/3788 and 2002/2469.

(d) S.I. 2000/1167, amended by S.I. 2002/1405 and 2003/1740.

““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(a) 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 1(2) of Schedule 5A” substitute “paragraph 13(2) of Schedule 3;”;
- (d) in the definition of “preparatory period”, for “paragraph 2(2) of Schedule 5A” substitute “paragraph 14(2) of Schedule 3;”.

Change of name of the trust

3. The trust shall be called the Blackburn with Darwen Teaching Care Trust Plus instead of the Blackburn with Darwen Primary Care Trust, and accordingly—

- (a) in article 1(2) of the Establishment Order (citation, commencement and interpretation), in the definition of “the trust”; and
- (b) in article 2 of the Establishment Order (establishment and name of the Primary Care Trust),

for “Blackburn with Darwen Primary Care Trust” substitute “Blackburn with Darwen Teaching Care Trust Plus”.

Effect of change of name

4. The change of name effected by article 3 of 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.

Designation as a Care Trust

5. Article 2 of the Establishment Order (establishment and name of the Primary Care Trust) is renumbered as paragraph (1) of that article and after that paragraph add the following paragraph—

“(2) The trust is designated as a Care Trust.”.

Signed by authority of the Secretary of State for Health

8th March 2010

Ann Keen
Parliamentary Under-Secretary of State,
Department of Health

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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Blackburn with Darwen Primary Care Trust (Establishment) Order 2000.

Article 3 of the Order changes the name of the trust from the Blackburn with Darwen Primary Care Trust to the Blackburn with Darwen Teaching Care Trust Plus, and makes consequential amendments to the Establishment Order. Article 4 makes provision as to the effect of the change of name.

Articles 3 and 5 designate the trust as a Care Trust, as provided for in section 77 of the National Health Service Act 2006.

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STATUTORY INSTRUMENTS

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£4.00