

2014 No. 2524

NATIONAL HEALTH SERVICE, ENGLAND

The London North West Healthcare National Health Service Trust (Establishment) and the Ealing Hospital National Health Service Trust and the North West London Hospitals National Health Service Trust (Dissolution) Order 2014

Made - - - - *18th September 2014*
Coming into force - - *24th September 2014*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1) and 272(7) and (8) of, and paragraphs 5, 7 and 28 of Schedule 4 to, the National Health Service Act 2006(a).

The Secretary of State for Health makes this Order on the application of the Ealing Hospital National Health Service Trust and the North West London Hospitals National Health Service Trust, following the completion of the consultation prescribed under section 25(3) of, and paragraph 28(3) of Schedule 4 to, the 2006 Act.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the London North West Healthcare National Health Service Trust (Establishment) and the Ealing Hospital National Health Service Trust and the North West London Hospitals National Health Service Trust (Dissolution) Order 2014.

(2) This Order comes into force—

- (a) subject to sub-paragraph (b), on 24th September 2014 for this article, articles 2 to 4, 5(2) 6 and 7; and
- (b) on 1st October 2014 for articles 5(1) and 8.

(3) In this Order—

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

“community health services” means any services—

- (a) whose provision must be arranged by a clinical commissioning group under section 3(1)(d) or (e) of the 2006 Act(b);
- (b) which are of a kind mentioned in section 3(1)(d) or (e) of the 2006 Act, but—

(a) 2006 c.41. Section 179(2) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”) provides for the repeal of section 25 of and paragraph 28 of Schedule 4 to, the National Health Service Act 2006 (“the 2006 Act”) (section 25(4) gives Schedule 4 effect) but section 179(2) is not yet in force. Paragraphs 5 and 7 of Schedule 4 to the 2006 Act are amended by paragraph 22(2) and (4) of Schedule 4 to the 2012 Act.

(b) Section 3(1) of the 2006 Act was amended by section 13 of the 2012 Act.

- (i) whose provision must be arranged by the National Health Service Commissioning Board(a) under regulations made under section 3B of the 2006 Act(b); or
 - (ii) which may be provided by the Secretary of State or a local authority under section 2B of the 2006 Act(c);
 - (c) which a local authority must provide under paragraph 1 of Schedule 1 to the 2006 Act(d);
 - (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the 2006 Act(e); or
 - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the 2006 Act;
- “operational date” has the meaning assigned to it in paragraph 5(5) of Schedule 4 to the 2006 Act;
- “the trust” means the National Health Service trust established by article 2.

Establishment and name of the trust

2. There is established a National Health Service trust which is called the London North West Healthcare National Health Service Trust.

Functions of the trust

3. The trust’s functions are to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service.

Directors of the trust

4.—(1) The trust must have, in addition to the chairman, 5 executive directors and 7 non-executive directors.

(2) Since the trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 5(1)(d) of Schedule 4 to the 2006 Act, one of the non-executive directors must be appointed from the University of London.

(3) If the Secretary of State suspends the chairman, or a non-executive director of the trust, the number of non-executive directors of the trust must increase during the period of suspension by the number of persons so suspended.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust is 1st October 2014.

(2) The accounting date of the trust is 31st March.

Limited functions prior to operational date

6. During the period beginning on 24th September 2014 and ending immediately before the operational date, the trust has—

- (a) the function of entering into NHS contracts(f);

(a) Established by section 1H of the National Health Service Act 2006 and now referred to as NHS England.

(b) Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. The regulations made under that section are currently the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012, S.I. 2012/2996, amended by S.I. 2013/261, S.I. 2013/2891, S.I. 2014/91 and S.I. 2014/452.

(c) Section 2B of the 2006 Act was inserted by section 12 of the 2012 Act.

(d) Paragraph 1 of Schedule 1 to the 2006 Act was amended by section 17(2) and (3) of the 2012 Act.

(e) Paragraph 2 of Schedule 1 to the 2006 Act was amended by section 17(2) and (4) of the 2012 Act, and paragraph 7A of Schedule 1 to the 2006 Act was inserted by section 143(1) of the Health and Social Care Act 2008 (c.14) and amended by section 17(2) and (7) of the 2012 Act.

(f) See section 9 of the 2006 Act which provides a meaning for the term “NHS contracts”.

- (b) the function of entering into contracts other than NHS contracts including contracts of employment; and
- (c) such other function as is necessary and expedient,

for the purposes of enabling it to begin to operate satisfactorily with effect from the operational date.

Discharge of liabilities prior to operational date

7.—(1) The National Health Service Trust Development Authority (“the Authority”)(a) must discharge the liabilities of the trust incurred during the period referred to in article 6 that are of a description specified in paragraph (2).

(2) The liabilities are—

- (a) remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;
- (b) travelling or other allowances of the members of committees and sub-committees of the trust who are not also directors of the trust;
- (c) remuneration of persons employed by the trust; and
- (d) such other liability incurred by the trust in connection with the functions specified in article 6 which the Authority considers reasonable, necessary and expedient.

Dissolution of NHS trusts and revocation

8.—(1) The following NHS trusts are dissolved—

- (a) The Ealing Hospital National Health Service Trust(b); and
- (b) The North West London Hospitals National Health Service Trust(c).

(2) The following Orders are revoked—

- (a) The Ealing Hospital National Health Service Trust (Establishment) Order 1991; and
- (b) The North West London Hospitals National Health Service Trust (Establishment) Order 1999.

Signed by authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

18th September 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes on 24th September 2014 a National Health Service trust called the London North West Healthcare National Health Service Trust (“the trust”).

The Order sets out the functions of the trust (article 3) and the number of executive and non-executive directors of the trust (article 4). It also sets out the operational date (the date on which the trust assumes all its functions) as 1st October 2014, the accounting date of the trust (article 5), the limited functions that the trust may carry out during the period beginning on 24th September

(a) The National Health Service Trust Development Authority is a special health authority established by the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012, S.I. 2012/901 amended by S.I. 2013/235 and S.I. 2013/260.
(b) Established by S.I. 1991/2340, amended by S.I. 2010/185 and S.I. 2013/593.
(c) Established by S.I. 1999/913.

2014 and the operational date (articles 2 and 6) and makes provision for the discharge of liabilities during that period by the National Health Service Trust Development Authority (article 7).

Article 8 provides for the dissolution on 1st October 2014 of the Ealing Hospital National Health Service Trust and the North West London Hospitals National Health Service Trust and accordingly revokes the Ealing Hospital National Health Service Trust (Establishment) Order 1991 and the North West London Hospitals National Health Service Trust (Establishment) Order 1999.

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