

2014 No. 360

NATIONAL HEALTH SERVICE, ENGLAND

**The Coventry and Warwickshire Partnership National Health
Service Trust (Establishment) Amendment Order 2014**

Made - - - - 17th February 2014

Coming into force - - 10th March 2014

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 the National Health Service Act 2006(a).

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

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Coventry and Warwickshire Partnership National Health Service Trust (Establishment) Amendment Order 2014 and comes into force on 10th March 2014.

(2) In this Order, “the Establishment Order” means the Coventry and Warwickshire Partnership National Health Service Trust (Establishment) Order 2006(c).

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—

““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 Act;

(b) which are of a kind mentioned in section 3(1)(d) or (e) of the Act, but—

(i) whose provision must be arranged by the Board under regulations made under section 3B of the Act; or

(ii) which may be provided by the Secretary of State or a local authority under section 2B of the Act;

(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 the National Health Service Act 2006 (“the 2006 Act”), (subsection (4) of which gives Schedule 4 effect) but this provision is not yet in force.

(b) S.I. 2010/743, to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) is consultation by the Secretary of State with that NHS trust.

(c) S.I. 2006/2524.

- (c) which a local authority must provide under paragraph 1 of Schedule 1 to the Act;
 - (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the Act; or
 - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the Act;”(a); and
- (c) omit the definition of “operational date”.

Amendment of article 3 of the Establishment Order

3. In article 3 of the Establishment Order (nature and functions of the trust), in paragraph (1), for the words “section 5(1) of the Act” substitute “section 25(1) of the Act”.

Amendment of article 4 of the Establishment Order

4. In article 4 of the Establishment Order (directors of the trust)—

- (a) in paragraph (1), for “5 non-executive directors” substitute “7 non-executive directors”; and
- (b) in paragraph (2), for “paragraph 3(1)(d) of Schedule 2” substitute “paragraph 5(1)(d) of Schedule 4”.

Amendment of article 5 of the Establishment Order

5. For article 5 of the Establishment Order (operational date and accounting date of the trust) and the heading to that article, substitute—

“Accounting date of the trust

5. The accounting date of the trust shall be 31st March.”.

Signed by authority of the Secretary of State for Health.

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

17th February 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Coventry and Warwickshire Partnership National Health Service Trust (Establishment) Order 2006, which established the Coventry and Warwickshire Partnership National Health Service Trust.

Article 2(a) and (b) respectively amends the definition of “the Act” to refer to the National Health Service Act 2006 as the National Health Service and Community Care Act 1990 (under which the

(a) The relevant regulations referred to in the inserted definition for “community health services” at paragraph (b)(i) are The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996, amended by S.I. 2013/2891, in which some amendments are to come into force on 1st April 2014) and The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations (S.I. 2013/261, amended by S.I. 2013/2269). Section 2B of the 2006 Act was inserted by section 12 of the 2012 Act. Section 3(1) of the 2006 Act was amended by section 13 of the 2012 Act. Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. Paragraph 1 of Schedule 1 to the 2006 Act was amended by section 17(2) and (3) of the 2012 Act. Paragraph 2 of Schedule 1 to the 2006 Act was amended by section 17(2) and (4) of the 2012 Act. Paragraph 7A of Schedule 1 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.

original order was made) has been repealed and include a new definition of “community health services”.

Articles 2(c) and 5 omit the definition and specification of the trust’s “operational date” as the trust is already established.

Articles 3 and 4(b) update the legislative references under which trusts are established.

Article 4(a) increases the number of non-executive directors of the trust from 5 to 7. This is in addition to the chairman.

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