STATUTORY INSTRUMENTS

2001 No. 4144

NATIONAL HEALTH SERVICE, ENGLAND

The Cheltenham and Tewkesbury Primary Care Trust (Establishment) Order 2001

Made - - - - 17th December 2001

Coming into force 1st January 2002

The Secretary of State for Health, in the exercise of the powers conferred on him by sections 16A(1), (2) and (3) and 126(4) of, and paragraphs 1 and 2 of Schedule 5A to, the National Health Service Act 1977**(a)** and of all other powers enabling him in that behalf, following compliance with the consultation requirements contained in regulations made under section 16A(5) of the Act**(b)**, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cheltenham and Tewkesbury Primary Care Trust (Establishment) Order 2001 and shall come into force on 1st January 2002.

(2) In this Order, unless the context otherwise requires—

"the Act" means the National Health Service Act 1977;

"Executive Committee" has the meaning given in regulation 1(2) of the Membership Regulations;

"member", "officer member" and "non-officer member" have the meanings given in regulation 1(2) of the Membership Regulations;

"Membership Regulations" means the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000**(c)**;

"operational date" is to be construed in accordance with paragraph 1(2) of Schedule 5A to the Act;

"preparatory period" is to be construed in accordance with paragraph 2(2) of Schedule 5A to the Act;

"the trust" means the Cheltenham and Tewkesbury Primary Care Trust established by article 2 of this Order.

Establishment, operational date and name of the Primary Care Trust

2.—(1) There is hereby established with effect from 1st January 2002 a Primary Care Trust to be called the Cheltenham and Tewkesbury Primary Care Trust.

(a) 1977 c. 49; section 16A was inserted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 2(1); section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6): Schedule 5A was inserted by the 1999 Act, Schedule 1. 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, and the entry for the National Health Service Act 1977 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the 1999 Act.

(b) *See* S.I. 1999/2337.

(c) S.I. 2000/89.

(2) The operational date of the trust shall be 1st April 2002.

Area of the trust

3. The trust shall be established for the area specified in the Schedule to this Order.

Members of the trust

4.—(1) The trust shall have, in addition to the chairman, 5 officer members and 5 non-officer members.

(2) The non-officer members shall comprise the persons appointed by the Secretary of State under regulation 2(3) of the Membership Regulations.

(3) The officer members**(a)** shall comprise—

(a) the persons who for the time being hold the offices of the Chief Executive and the Director of Finance of the trust;

(b) the person who for the time being holds the post of chairman of the Executive Committee of the trust;

(c) 2 persons appointed by the chairman of the trust following nomination by the Executive Committee of the trust.

Limitations on the exercise of functions by the trust during the preparatory period

5. During the preparatory period the exercise of functions by the trust shall be limited to the following—

(a) entering into NHS contracts;

(b) entering into other contracts including contracts of employment; and

(c) doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from the operational date.

Assistance during the preparatory period

6.—(1) The Gloucestershire Health Authority shall meet the costs of the trust performing its functions during the preparatory period by discharging such of the liabilities of the trust incurred during that period as are of a description specified in paragraph (2) and do not in aggregate exceed such amount as may be notified by the Authority to the trust.

(2) The liabilities referred to in the preceding paragraph are—

(a) liability for the remuneration and travelling or other allowances of the chairman and members of the trust;

(b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also members of the trust;

(c) liability for the remuneration of officers of the trust; and

(d) any other liability which may reasonably be incurred by the trust for the purpose of enabling it to begin to operate satisfactorily with effect from its operational date.

(3) The Gloucestershire Health Authority shall make premises and other facilities of the Authority available to the trust during the preparatory period.

(4) The Severn National Health Service Trust shall make available to the trust during the preparatory period—

(a) premises and other facilities of the NHS trust; and

(b) staff of the NHS trust.

(5) The East Gloucestershire National Health Service Trust shall make available to the trust during the preparatory period—

(a) *See* regulation 2(4) to 2(11) of the Membership Regulations.

(a) premises and other facilities of the NHS trust; and

(b) staff of the NHS trust.

(6) The Gloucestershire Royal National Health Service Trust shall make available to the trust during the preparatory period—

(a) premises and other facilities of the NHS trust; and

(b) staff of the NHS trust.

Signed by authority of the Secretary of State

Hazel Blears
Parliamentary Under Secretary of State,
Department of Health

17th December 2001

SCHEDULE

Article 3

AREA OF TRUST

In the borough of Cheltenham—

the electoral wards of All Saints, Charlton Kings, College, Hatherley and The Reddings, Hesters Way, Lansdown, Leckhampton With Up Hatherley, Park, Pittville, Prestbury, St. Mark's, St. Paul's, St. Peter's, Swindon.

In the borough of Tewkesbury—

the electoral wards of Ashchurch, Bishop's Cleeve East, Bishop's Cleeve North, Bishop's Cleeve South, Cleeve Hill, Coombe Hill, Dumbleton, Gotherington, Shurdington, Tewkesbury Mitton, Tewkesbury Newtown, Tewkesbury Prior's Park, Tewkesbury Town, Twyning, Winchcombe.

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Cheltenham and Tewkesbury Primary Care Trust ("the trust"), as provided for under section 16A of the National Health Service Act 1977. It specifies the trust's establishment and operational dates (article 2), the area for which it is established (article 3 and the Schedule), its membership (article 4), and limitations on the exercise of its functions during its preparatory period (article 5). It also makes provision for assistance to the trust during its preparatory period (article 6).

£1.75

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