2002 No. 145

NATIONAL HEALTH SERVICE, ENGLAND

The Derwentside Primary Care Trust (Establishment) Order 2002

Made - - - - -	*19th January 2002*
Coming into force - -	*25th 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 Derwentside Primary Care Trust (Establishment) Order 2002 and shall come into force on 25th 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 Derwentside 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 25th January 2002 a Primary Care Trust to be called the Derwentside Primary Care Trust.

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

(**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.

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 doing such things as are reasonably necessary to enable it to carry out its functions with effect from the operational date, including—

(a) entering into NHS contracts; and

(b) entering into other contracts including contracts of employment.

Assistance during the preparatory period

6.—(1) The County Durham and Darlington Health Authority ("the Authority") shall meet the costs of the trust performing its functions during the preparatory period by discharging such of the liabilities of the trust which it has reasonably incurred during that period for the purpose of enabling it to carry out its functions with effect from the operational date and which do not in aggregate exceed such amount as may be notified by the Authority to the trust, including—

(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.

(2) The Authority shall make available to the trust during the preparatory period—

(a) premises and other facilities of the Authority; and

(b) officers of the Authority.

(3) The North Durham Health Care 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

Jacqui Smith
Minister of State,
Department of Health

19th January 2002

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

SCHEDULE

Article 3

AREA OF TRUST

The district of Derwentside.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Derwentside 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).

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