STATUTORY INSTRUMENTS

2008 No. 1859

NATIONAL HEALTH SERVICE, ENGLAND

The East Kent Hospitals National Health Service Trust (Change of Name) (Establishment) Amendment Order 2008

Made - - - -	*10th July 2008*
Coming into force - -	*1st August 2008*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1), 272(8) and 273(1) of, and paragraph 5(1) of Schedule 4 to, 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 East Kent Hospitals National Health Service Trust (Change of Name) (Establishment) Amendment Order 2008 and shall come into force on 1st August 2008.

(2) In this Order—

"the Establishment Order" means the East Kent Hospitals National Health Service Trust (Establishment) Order 1999(**c**);

"the trust" means the National Health Service 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, for the definition of "the Act", substitute—

""the Act" means the National Health Service Act 2006;".

Change of name of trust and transitional provision

3.—(1) The trust shall be called the East Kent Hospitals University National Health Service Trust instead of the East Kent Hospitals National Health Service Trust.

(2) Accordingly in article 1(2) of the Establishment Order in the definition of "the trust", and in article 2 of the Establishment Order, after "East Kent Hospitals" insert "University".

(3) The change of name effected by paragraph (1) shall not—

(a) affect any right or obligation of any person; or

(**a**) 2006 c.41.
(**b**) *See* S.I. 1996/653, amended by S.I. 2001/3788.
(**c**) S.I. 1999/896, amended by S.I. 1999/1858.

(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.

Amendment of nature and functions of the trust

4. In article 3 of the Establishment Order (nature and functions of the trust)—

(a) in paragraph (1), for "5(1)(b) of the Act", substitute "25(1) of the Act"; and

(b) for paragraph (2), substitute—

"(2) The trust's functions shall be to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service.".

Amendment of the directors of the trust

5. For article 4 of the Establishment Order (directors of the trust) substitute—

"**4.**—(1) The trust shall have, in addition to the chairman, 7 non-executive directors and 5 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 Act, one of the non-executive directors shall be appointed from King's College (University of London).".

Signed by authority of the Secretary of State for Health

Dawn Primarolo
Minister of State
Department of Health

10th July 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the East Kent Hospitals National Health Service Trust (Establishment) Order 1999 ("the Establishment Order"), which established the East Kent Hospitals National Health Service Trust.

Article 2 of the Order changes the name of the trust from the East Kent Hospitals National Health Service Trust to the East Kent Hospitals University National Health Service Trust and makes consequential amendments to the Establishment Order.

Article 3 amends the provision of the Establishment Order which specifies the nature and functions of the trust, so as to replace the reference to section 5 of the National Health Service and Community Care Act 1990 (which has been repealed and is replaced by section 25 of the National Health Service Act 2006) and remove the reference to the particular establishments and facilities from which the trust carries out its functions.

Article 4 increases the number of non-executive directors the trust must have from 6 to 7 and provides that one of the non-executive directors of the trust must be appointed from King's College (University of London).

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