STATUTORY INSTRUMENTS

1990 No. 2415

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The First Community National Health Service Trust (Establishment) Order 1990

Made - - - -	*4th December 1990*
Coming into force	*21st December 1990*

The Secretary of State for Health, in exercise of powers conferred by section 5(1) of and paragraphs 1, 3, 4, 5 and 6(2)(d) of Schedule 2 to the National Health Service and Community Care Act 1990**(a)** and of all other powers enabling him in that behalf, having directed the relevant Regional Health Authority, as defined in section 5(4) of that Act, to consult the persons or bodies referred to in section 5(2) of that Act and having received and considered the results of that consultation, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the First Community National Health Service Trust (Establishment) Order 1990 and shall come into force on 21st December 1990.

(2) In this Order unless the context otherwise requires –

"the Act" means the National Health Service and Community Care Act 1990;

"community health services" means any services which the Secretary of State "has a function to provide under sections 3 (1)(d) or (e) or 5(1)(a) and (1A) of, or Schedule 1 to the National Health Service Act 1977**(b)**;

"establishment date" means 21st December 1990;

"operational date" has the meaning assigned to it in paragraph 3(1)(e) of Schedule 2 to the Act;

"the trust" means the First Community National Health Service Trust established by article 2 of this Order.

Establishment of the trust

2. There is hereby established an NHS trust which shall be called the First Community National Health Service Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purpose specified in section 5(1)(a) of the Act.

(2) The trust's functions (which include functions which the Secretary of State considers appropriate in relation to the provision of services by the trust for one or more health authorities) shall be –

(a) 1990 c.19; paragraph 1 of Schedule 2 is cited for the definition of "an order".
(b) 1977 c.49; section 5(1) was amended by, and section 5(1A) inserted by, the Health and Medicines Act 1988 (c.49), section 10(1); Schedule 1 was amended by the Education Act 1980 (c.20), Schedule 1 and the Health and Medicines Act 1988, Schedule 2, paragraph 7.

(a) to own and manage hospital accommodation and services at First Community Health, Mellor House, Corporation Street, Stafford ST16 3AG and associated hospitals.

(b) to manage community health services provided from First Community Health, Mellor House, Corporation Street, Stafford ST16 3AG and to own the premises there from which those services are to be provided and any associated premises.

Directors of the trust

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

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1 April 1991.

(2) The accounting date of the trust shall be 31 March.

Limited functions before operational date

6. Between its establishment date and its operational date in order to enable it to begin to operate satisfactorily from the operational date the trust shall have the limited functions –

(a) of entering into NHS contracts;

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

(c) of doing such other things as are reasonably necessary for the said purpose.

Assistance by health authorities before operational date

7.—(1) The Mid Staffordshire Health Authority shall –

(a) until the operational date make such staff and facilities available to the trust as are required to enable the trust to carry out its limited functions pending the transfer or appointment of staff to or by the trust and the transfer of facilities to the trust;

(b) make available such premises as are required to enable the trust to carry out its limited functions pending the transfer of those premises to the trust.

(2) The Mid Staffordshire Health Authority shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (3) of this article.

(3) The liabilities referred to in the preceding paragraph are –

(a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors 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 directors of the trust;

(c) liability for the remuneration of persons employed by 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 the operational date.

(4) The health authority specified for the purposes of paragraph 3(1)(f) of Schedule 2 to the Act (authority which is to make the scheme under section 6 of the Act for the transfer of staff) in relation to the trust shall be the Mid Staffordshire Health Authority.

Restriction on disposal of assets

8. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 2 to the Act (maximum value of freely disposable assets) in relation to the trust shall be £1,000,000.

Signed by authority of the Secretary of State for Health.

Virginia Bottomley
Minister of State,
Department of Health.

4th December 1990

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the First Community National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It also provides for the functions of the trust both before (article 6) and after (article 3) its operational date (the date on which it assumes all its functions). It specifies the operational date and the accounting date of the trust (article 5) and makes provision for assistance to the trust by health authorities before its operational date (article 7).