STATUTORY INSTRUMENTS

2010 No. 798

NATIONAL HEALTH SERVICE, ENGLAND

The Hertfordshire Primary Care Trust (Establishment) and East and North Hertfordshire Primary Care Trust and West Hertfordshire Primary Care Trust (Dissolution) Order 2010

Made - - - -	*16th March 2010*
Coming into force - -	*1st April 2010*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 18(2), 272(7) and (8) and 273(1) of, and paragraph 13(1) of Schedule 3 to, the National Health Service Act 2006(**a**).

The Secretary of State for Health makes this Order following completion of the consultation prescribed under section 18(6) and (7) of the National Health Service Act 2006(**b**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Hertfordshire Primary Care Trust (Establishment) and East and North Hertfordshire Primary Care Trust and West Hertfordshire Primary Care Trust (Dissolution) Order 2010 and shall come into force on 1st April 2010.

(2) In this Order—

"the new PCT" means the Hertfordshire Primary Care Trust established by article 2;

"the old PCTs" means—

(a) the East and North Hertfordshire Primary Care Trust; and

(b) the West Hertfordshire Primary Care Trust,

as established by the Primary Care Trusts (Establishment and Dissolution) (England) Order 2006(**c**).

Establishment and operational date

2.—(1) There is established a Primary Care Trust called the Hertfordshire Primary Care Trust.

(2) The operational date of the trust is 1st April 2010.

(**a**) 2006 c. 41.

(**b**) *See* the Primary Care Trusts (Consultation on Establishment, Dissolution and Transfer of Staff) Regulations 1999 (S.I. 1999/2337) as amended by S.I. 2001/3788, 2002/880, 2002/2469, 2004/696, 2004/865, 2004/1771, 2005/848, 2006/562. 2007/3101 and 2008/1700).

(**c**) S.I. 2006/2072 to which there are amendments not relevant to this Order.

Area of new PCT

3. The new PCT is established for the county of Hertfordshire.

Dissolution

4. The old PCTs are dissolved.

Accounts

5. Any duty imposed on the old PCTs by or under Schedule 15 to the National Health Service Act 2006 (accounts and audit), but not performed by 1st April 2010, shall be performed by the new PCT.

Winding up of affairs

6. The new PCT shall take such action as may be necessary for the winding up of the affairs of the old PCTs.

Provision for continuity in the exercise of its functions

7.—(1) Anything done before 1st April 2010 by or in relation to an old PCT shall be treated on and after that date as if done by or in relation to the new PCT.

(2) The reference in paragraph (1) to anything done by or in relation to an old PCT includes without limitation any applications made, any authorisations, directions or notices given and any complaints made, to, by or in relation to that old PCT.

(3) Any instrument made by an old PCT continues in force in relation to the new PCT in accordance with its terms until it is varied or revoked by the new PCT.

(4) Any form supplied by an old PCT, or any form supplied by the Secretary of State in relation to an old PCT, continues to be a valid form in relation to the new PCT until it is cancelled or withdrawn by the Secretary of State or the new PCT, as if any reference contained in that form to an old PCT was a reference to the new PCT.

(5) So far as is necessary or appropriate, a reference in an agreement or other instrument to an old PCT shall be treated on and after 1st April 2010 as a reference to the new PCT.

Consequential amendments

8.—(1) The Primary Care Trusts (Establishment and Dissolution)(England) Order 2006 is amended as follows.

(2) In Schedule 1—

(a) omit the entries in column (1) and column (2) relating to the East and North Hertfordshire Primary Care Trust and the West Hertfordshire Primary Care Trust;

(b) after the entry relating to Hastings and Rother Primary Care Trust insert a new entry as follows—

(i) in column (1), insert "Hertfordshire Primary Care Trust",

(ii) in column (2), insert "the county of Hertfordshire"."

(3) In Schedule 2, in column (2), for each reference to the East and North Hertfordshire Primary Care Trust and the West Hertfordshire Primary Care Trust, substitute a reference to "Hertfordshire Primary Care Trust".

Signed by authority of the Secretary of State for Health

Phil Hope
Minister of State,
Department of Health

16th March 2010

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the establishment on 1st April 2010 of a Primary Care Trust for the county of Hertfordshire to be called the Hertfordshire Primary Care Trust (articles 2 and 3).

It also provides for the dissolution on that date of the East and North Hertfordshire Primary Care Trust and West Hertfordshire Primary Care Trust established on 1st October 2006 (article 4). Articles 5 and 6 make provision for the Hertfordshire Primary Care Trust to complete the accounts and wind up the affairs of the two Trusts dissolved by this Order. Article 7 makes provision for continuity in the exercise of the functions of these bodies. Article 8 makes consequential amendment to the Primary Care Trusts (Establishment and Dissolution) (England) Order 2006.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen

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