STATUTORY INSTRUMENTS

2006 No. 825

NATIONAL HEALTH SERVICE, ENGLAND

The Kent and Medway National Health Service and Social Care Partnership Trust (Establishment) and the West Kent National Health Service and Social Care Trust and the East Kent National Health Service and Social Care Partnership Trust (Dissolution) Order 2006

Made - - - -	*14th March 2006*
Coming into force - -	*1st April 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred upon her by section 126(3) of the National Health Service Act 1977(**a**) and by section 5(1) of, and paragraphs 3 and 29(1) of Schedule 2 to, the National Health Service and Community Care Act 1990(**b**).

The Secretary of State for Health considers it appropriate in the interests of the health service to dissolve the West Kent National Health Service and Social Care Trust(**c**) and the East Kent National Health Service and Social Care Partnership Trust(**d**), having completed the consultation prescribed under section 5(2) of, and paragraph 29(3) of Schedule 2 to, the National Health Service and Community Care Act 1990(**e**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Kent and Medway National Health Service and Social Care Partnership Trust (Establishment) and the West Kent National Health Service and Social

(**a**) 1977 c.49; section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19), paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c.17) ("the 1995 Act") and section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46). The health functions of the Secretary of State are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the Health Act 1999 (c.8) ("the 1999 Act").

(**b**) 1990 c.19; section 5(1) was amended by sections 13(1)(a) and (10) and 65(2) of, and Schedule 5 to, the 1999 Act; paragraph 3 of Schedule 2 was amended by section 2(1) of, and paragraph 85(a) of Schedule 1 to, the 1995 Act and by sections 13(7) and (10) and 65(1) of, and paragraphs 74 and 83(1) and (2) of Schedule 4 to, the 1999 Act.

(**c**) Established by S.I. 2002/1337.

(**d**) Established by S.I. 1992/2529 as the Canterbury and Thanet Community Healthcare National Health Service Trust. This was amended by S.I. 1998/845 where the trust's name was changed to the East Kent Community National Health Service Trust and further amendments were made by S.I. 2003/1496 where the trust's name was changed to the East Kent National Health Service and Social Care Partnership Trust.

(**e**) 1990 c.19; section 5(2) was amended by section 2(1) of, and paragraph 69(b) of Schedule 1 to, the 1995 Act. See S.I. 1996/653 for the prescribed consultation.

Care Trust and the East Kent National Health Service and Social Care Partnership Trust (Dissolution) Order 2006 and shall come into force on 1st April 2006.

(2) In this Order—

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

"community health services" means any services which the Secretary of State may provide under section 3(1)(d) or (e) of, or Schedule 1 to, the National Health Service Act 1977 and any service which she has a duty to provide under section 5(1) of that Act(**a**);

"dissolution date" means the date this Order comes into force;

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

"the trust" means the Kent and Medway National Health Service and Social Care Partnership Trust established by article 2 of this Order.

Establishment and name of the trust

2. There is established a National Health Service trust which shall be called the Kent and Medway National Health Service and Social Care Partnership Trust.

Nature and functions of the trust

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

(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.

Directors of the trust

4. The trust shall have, in addition to the chairman, 5 executive directors and 7 non-executive directors.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st April 2006.

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

Dissolution of NHS trusts and revocation of orders

6. On the dissolution date—

(a) the West Kent National Health Service and Social Care Trust, which was established by the West Kent National Health Service and Social Care Trust (Establishment) and the Thames Gateway National Health Service Trust and Invicta Community Care National Health Service Trust (Dissolution) Order 2002(**b**); and

---

(**a**) 1977 c.49; Schedule 1 was amended by paragraph 21 of Schedule 12 of the Education Reform Act 1988 (c.40), by paragraph 7 of Schedule 2 to the Health and Medicines Act 1988 (c.49)("the 1988 Act"), by paragraph 46 of Schedule 37 to the Education Act 1996 (c.56) and by section 196 of, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43); section 5(1) was amended by section 25 of, and Schedule 3 to, the 1988 Act and by section 140(3) of, and Schedule 31 to, the School Standards and Framework Act 1998 (c.31)("the 1998 Act").

(**b**) S.I. 2002/1337.

(b) the East Kent National Health Service and Social Care Partnership Trust, which was established by the Canterbury and Thanet Community Healthcare National Health Service Trust (Establishment) Order 1992(**a**),

are dissolved, and accordingly their Establishment Orders, the Canterbury and Thanet Community Healthcare National Health Service Trust (Establishment) Amendment Order 1998(**b**) and the Canterbury and Thanet Community Healthcare National Health Service Trust (Change of Name) Amendment Order 2003(**c**) are revoked.

Signed by authority of the Secretary of State for Health

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

14th March 2006

(**a**) S.I. 1992/2529. The name of the trust was changed to the East Kent Community National Health Service Trust by S.I. 1998/845 (The Canterbury and Thanet Community Healthcare National Health Service Trust (Establishment) Amendment Order 1998) and thereafter to the East Kent National Health Service and Social Care Partnership Trust by S.I. 2003/1496 (The Canterbury and Thanet Community Healthcare National Health Service Trust (Change of Name) Amendment Order 2003).
(**b**) S.I. 1998/845.
(**c**) S.I. 2003/1496.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Kent and Medway National Health Service and Social Care Partnership Trust as a National Health Service trust under the terms set out in section 5 of the National Health Service and Community Care Act 1990.

The Order sets out the functions of the trust (article 3), the number of executive and non-executive directors of the trust (article 4), the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5).

This Order also dissolves the West Kent National Health Service and Social Care Trust and the East Kent National Health Service and Social Care Partnership Trust and revokes their Establishment Orders and the Establishment Amendment Order and Change of Name Order relating to the latter NHS trust.

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0445 3/2006 160445T 19585