STATUTORY INSTRUMENTS

2001 No. 1230

NATIONAL HEALTH SERVICE, ENGLAND

The North and East Devon Partnership National Health Service Trust (Establishment) Order 2001

Made - - - -	*22nd March 2001*
Coming into force	*1st April 2001*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, 4 and 5 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 completed the consultation prescribed by section 5(2) of that Act**(b)**, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the North and East Devon Partnership National Health Service Trust (Establishment) Order 2001 and shall come into force on 1st April 2001.

(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 may provide under section 3(1)(d) or (e) of, or Schedule 1 to, the National Health Service Act 1977 and any service which he has a duty to provide under section 5(1) or (1A) of that Act**(c)**;

"establishment date" means 1st April 2001;

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

"the trust" means the North and East Devon Partnership National Health Service Trust established by article 2 of this Order.

Establishment and name of the trust

2. There is hereby established an NHS trust which shall be called the North and East Devon Partnership National Health Service 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

(a) 1990 c.19 ("the 1990 Act"); section 5 was amended by paragraph 69(d) of Schedule 1 to the Health Authorities Act 1995 (c.17) and by section 13 of the Health Act 1999 (c.8) ("the 1999 Act"); paragraph 1 of Schedule 2 to the 1990 Act is cited for the definition of "an order"; paragraph 3 of Schedule 2 to the 1990 Act was amended by section 13(7) of the 1999 Act.

(b) *See* S.I. 1996/653.

(c) 1977 c.49; section 5(1) was amended by, and section 5(1A) was inserted by, section 10(1) of the Health and Medicines Act 1988 (c.49) ("the 1988 Act"); Schedule 1 was amended by Schedule 12 to the Education Reform Act 1988 (c.40), by paragraph 7 of Schedule 2 to the 1988 Act and by paragraph 46 of Schedule 37 to the Education Act 1996 (c.56).

accommodation and services and community health services, for the purposes of the health service at or from North and East Devon Partnership National Health Service Trust, Wonford House Hospital, Dryden Road, Exeter, Devon, EX2 5AF; and at or from associated hospitals, establishments or facilities in the areas of North and East Devon.

Directors of the trust

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

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st April 2001.

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

Limited functions before operational date

6. Between its establishment date and its operational date the trust shall have the 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 to enable it to begin to operate satisfactorily with effect from its operational date.

Assistance by Health Authorities before operational date

7.—(1) The North and East Devon 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 (2) of this article.

(2) 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.

Signed by authority of the Secretary of State for Health

Gisela Stuart
Parliamentary Under Secretary of State,
Department of Health

22nd March 2001

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the North and East Devon Partnership National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990.

It provides for the functions of the trust (article 3) and the number of executive and non-executive directors (article 4). It specifies the operational date (the date on which the trust assumes all its functions), the accounting date of the trust (article 5) and the trust's limited functions before the operational date (article 6). It also specifies the trust's liabilities which will be discharged by the North and East Devon Health Authority if incurred between the establishment date and the operational date (article 7).

This Order should be read in conjunction with the Exeter and District Community Health Service National Health Service Trust (Dissolution) Order 2001**(a)**.

(a) S.I. 2001/1245.

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