2001 No. 324

NATIONAL HEALTH SERVICE, ENGLAND

The North Essex Mental Health Partnership National Health Service Trust (Establishment) Order 2001

Made - - - - -	*5th February 2001*
Coming into force - -	*16th February 2001*

The Secretary of State for Health, in exercise of the powers conferred upon 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 under 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 Essex Mental Health Partnership National Health Service Trust (Establishment) Order 2001 and shall come into force on 16th February 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 16th February 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 Essex Mental Health Partnership National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There is hereby established on NHS trust which shall be called the North Essex Mental Health 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.

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

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

(**c**) Section 5 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 (c. 49), Schedule 2, paragraph 7.

(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 at or from Cuton Hall, Cuton Hall Lane, Springfield, Chelmsford, Essex CM2 5BX and at or from any associated hospitals, establishments or facilities.

Directors of trust

4. The trust shall have in addition to the chairman 5 executive directors and 6 non-executive directors.

Operational date and accounting date of the trust

5.—(1) The operational date 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 operate satisfactorily with effect from its operational date.

Assistance by Health Authorities before operational date

7.—(1) The North Essex Health Authority shall discharge the liabilities of the trust incurred during the period from and including the establishment date until the operational date that are of a description specified in paragraph (2) of this article.

(2) The liabilities referred to in the previous 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

Hunt
Parliamentary Under Secretary of State
Department of Health

5th February 2001

EXPLANATORY NOTE

(This note is not part of the Order)

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

The order 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 Northe Essex Health Authority if incurred between the establishment date and the operational date (article 7).

This Order is to be read in conjunction with the Essex and Herts Community, the Mid Essex Community and Mental Health, and the North East Essex Mental Health National Health Service Trusts (Dissolution) Order 2001.

STATUTORY INSTRUMENTS

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