STATUTORY INSTRUMENTS

2006 No. 787

NATIONAL HEALTH SERVICE, ENGLAND

The Oxfordshire Mental Healthcare National Health Service Trust (Change of Name) (Establishment) Amendment 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) and 126(4) of the National Health Service Act 1977(**a**), and by section 5(1) of, and paragraphs 3(1)(a) to (c) of Schedule 2 to, the National Health Service and Community Care Act 1990(**b**).

In accordance with section 5(2) of the National Health Service and Community Care Act 1990(**c**), the prescribed consultation has been completed(**d**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Oxfordshire Mental Healthcare National Health Service Trust (Change of Name) (Establishment) Amendment Order 2006 and shall come into force on 1st April 2006.

(2) In this Order—

(a) "the Establishment Order" means the Oxfordshire Mental Healthcare National Health Service Trust (Establishment) Order 1993(**e**);

(b) "the trust" means the National Health Service Trust established by the Establishment Order.

(**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)("the 1990 Act"), 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); section 126 (4) was amended by section 65(2) of the 1990 Act, by section 65(1) of, and paragraphs 37(1) and(6) of Schedule 4 to the Health Act 1999(c.8)("the 1999 Act"), by section 67(1) of, and paragraphs 5(1) and 13(b) of Schedule 5 to the Health and Social Care Act 2001(c.15), by section 6(3)(c) and 37(1) of, and paragraphs 1 and 10 of Schedule 8 to, the NHS Reform and Health Care Professions Act 2002 (c.17) and by sections 184, 196 and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003(c.43). The functions of the Secretary of State under these provisions 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 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 paragraph 85(a) of Schedule 1 to the 1995 Act and by section 13(7) and (10) of, and paragraphs 74 and 83(1) and (2) of Schedule 4 to, the 1999 Act.

(**c**) 1990 c.19; section 5(2) was inserted by section 2(1) of, and paragraphs 65 and 69(b) of Part II of Schedule 1 to, the 1995 Act.

(**d**) See S.I. 1996/653, as amended by S.I. 2001/3788.

(**e**) S.I. 1993/2566, as amended by S.I. 1998/1285.

Change of name of trust and transitional provision

2.—(1) The trust shall be called the Oxfordshire and Buckinghamshire Mental Health Partnership National Health Service Trust instead of the Oxfordshire Mental Healthcare National Health Service Trust, and accordingly in article 1(2) of the Establishment Order in the definition of "the trust", and in article 2 of the Establishment Order, for "Oxfordshire Mental Healthcare" there shall be substituted "Oxfordshire and Buckinghamshire Mental Health Partnership".

(2) The change of name effected by paragraph (1) shall not—

(a) affect any right or obligation of any person; or

(b) be taken as invalidating any instrument (whether made before or on or after the day on which this Order comes into force) which refers to the trust by its previous name,

and all instruments and other documents which refer to the trust under its previous name shall be construed as referring to it under its new name.

Amendment of the Establishment Order

3.—(1) Article 3 of the Establishment Order (nature and functions of the trust) shall be replaced by the following—

> **"3.**—(1) The trust is established for the purpose 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.".

(2) Article 8 of the Establishment Order shall be deleted.

(3) The Schedule to the Establishment Order shall be deleted.

Amendment of the directors of the trust

4. In Article 4 of the Establishment Order (directors of the trust)—

(a) "5 non- executive directors" shall be replaced by "6 non-executive directors"; and

(b) "5 executive directors" shall be replaced by "6 executive directors".

Signed by authority of the Secretary of State for Health

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

14th March 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Oxfordshire Mental Healthcare National Health Service Trust (Establishment) Order 1993.

Article 2 of the Order changes the name of the trust from the Oxfordshire Mental Healthcare National Health Service Trust to the Oxfordshire and Buckinghamshire Mental Health Partnership National Health Service Trust, and makes consequential amendments to the Establishment Order.

Article 3 of the Order removes the references to the establishments from which the trust carries out its functions and removes an out-dated reference to restrictions on the disposal of the trust's assets. Article 4 of the Order makes provision for an increase in the number of both executive and non-executive directors of the trust from 5 to 6.

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