2001 No. 3733

NATIONAL HEALTH SERVICE, ENGLAND

The Pennine Care National Health Service Trust (Establishment) and the Tameside and Glossop Community and Priority Services National Health Service Trust (Dissolution) Order 2001

Made - - - - -	*29th October 2001*
Coming into force except for article - - - -	*9th November 2001*
article 8	*1st April 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(3) of the National Health Service Act 1977(**a**) and by section 5(1) of, and paragraphs 1, 3, 4, 5 and 29(1) of Schedule 2 to, the National Health Service and Community Care Act 1990(**b**) and of all other powers enabling him in that behalf, considering it appropriate in the interests of the health service to dissolve the Tameside and Glossop Community and Priority Services National Health Service Trust(**c**), and having completed the consultation prescribed under section 5(2) of and paragraph 29(3) of Schedule 2 to that Act(**d**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Pennine Care National Health Service Trust (Establishment) and the Tameside and Glossop Community and Priority Services National Health Service Trust (Dissolution) Order 2001 and subject to paragraph (2), shall come into force on 9th November 2001.

(2) Article 8 shall come into force on 1st April 2002.

(3) 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(**e**);

"establishment date" means 9th November 2001;

(**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"), by paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) ("the 1995 Act") and by paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46).

(**b**) 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 "an order"; paragraph 3 of Schedule 2 to the 1990 Act was amended by the Health Act 1999 section 13(7).

(**c**) *See* paragraph 29(2) of Schedule 2 to the 1990 Act.

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

(**e**) 1977 c. 49; section 5(1) was amended by, and section 5(1A) was inserted by the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Reform Act 1988 (c. 40), paragraph 21 of Schedule 12, the Health and Medicines Act 1988, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

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

"the trust" means the Pennine Care National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There is hereby established an NHS trust which shall be called the Pennine Care 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 accommodation and services, and community health services, for the purposes of the health service at or from Tameside General Hospital, Ashton-under-Lyne, Lancashire, OL6 9RW and at or from any associated hospitals, establishments and facilities.

Directors of trust

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

Operational date and accounting date of the trust

5.—(1) The operational date shall be 1st April 2002.

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

Limited functions before operational date

6. Between the establishment date and the 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 West Pennine 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 (3) 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.

Dissolution of NHS trust

8.—(1) The Tameside and Glossop Community and Priority Services National Health Service Trust established by the Tameside and Glossop Community and Priority Services National Health Service Trust (Establishment) Order 1993(**a**) is hereby dissolved, and accordingly that Order is hereby revoked.

Signed by authority of the Secretary of State for Health

Hunt
Parliamentary Under Secretary of State,
Department of Health

29th October 2001

(**a**) S.I. 1993/2626.

EXPLANATORY NOTE

(This note is not part of the Order)

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

This Order also dissolves on 1st April 2002 the Tameside and Glossop Community and Priority Services National Health Service Trust.

The new trust will provide certain services previously provided by the Tameside and Glossop Community and Priority Services National Health Service Trust which is dissolved by this Order.

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), and the accounting date of the trust (article 5). It also specifies the trust's liabilities which will be discharged by the West Pennine Health Authority if incurred between the establishment date and the operational date (article 7).

This Order does not impose a charge on businesses.

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