STATUTORY INSTRUMENTS

2020 No. 767

NATIONAL HEALTH SERVICE, ENGLAND

The Portsmouth Hospitals National Health Service Trust (Establishment) (Amendment) Order 2020

Made - - - -	*20th July 2020*
Coming into force - -	*29th July 2020*

The Secretary of State for Health and Social Care makes the following Order in exercise of the powers conferred upon him by sections 25(1) and 272(7)(a) and (8)(a) and 273(1) of the National Health Service Act 2006(**a**).

In accordance with section 25(3) of that Act, the Secretary of State has completed the consultation prescribed by regulations(**b**) made under that section.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Portsmouth Hospitals National Health Service Trust (Establishment) (Amendment) Order 2020 and comes into force on 29th July 2020.

(2) In this Order, "the Establishment Order" means the Portsmouth Hospitals National Health Service Trust (Establishment) Order 1992(**c**).

Change of name and savings

2.—(1) In article 1(2) of the Establishment Order (citation, commencement and interpretation) in the definition of "the trust", after "Portsmouth Hospitals" insert "University".

(2) In article 2 of the Establishment Order (establishment of the trust), after "Portsmouth Hospitals" insert "University".

(3) The change of name effected by paragraphs (1) and (2) does not—

(a) affect any rights or obligations of any person; or

(b) invalidate any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the Portsmouth Hospitals National Health Service Trust, and all instruments or other documents which refer to that name must be construed as referring to the Portsmouth Hospitals University National Health Service Trust.

(**a**) 2006 c.41 ("the 2006 Act"). Section 179(2) of the Health and Social Care Act 2012 (c.7) provides for the repeal of section 25 of the 2006 Act but this provision is not yet in force.

(**b**) See S.I. 2010/743, to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) of S.I. 2010/743 is, before making an order under section 25(1) of the 2006 Act in relation to an NHS trust, consultation by the Secretary of State with that NHS trust.

(**c**) S.I. 1992/2506; amended by S.I. 2004/75.

Change to nature and functions of the trust

3. For article 3 of the Establishment Order (nature and functions of the trust), substitute—

"**3.** 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.".

Change of requirements relating to directors

4. For article 4 of the Establishment Order (directors of the trust), substitute—

"**4.**—(1) The trust shall have, in addition to the chairman, 5 non-executive directors and 5 executive directors.

(2) Since the trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 5(1)(d) of Schedule 4 to the 2006 Act, one of the non-executive directors must be appointed from the University of Portsmouth.".

Removal of specification of "operational date"

5.—(1) In article 1(2) of the Establishment Order (citation, commencement and interpretation), omit the definition of "operational date".

(2) For article 5 of the Establishment Order (operational date and accounting date of the trust) and the heading to that article, substitute—

"Accounting date of the trust

5. The accounting date of the trust is 31st March.".

Revocation of expired provisions

6. Article 6 (limited functions before operational date) and article 7 (assistance by health authorities before operational date) of the Establishment Order are revoked.

Consequential provision

7. In article 1(2) of the Establishment Order, omit the definition of "the Act".

Signed by the authority of the Secretary of State for Health and Social Care.

Edward Argar
Minister of State,
20th July 2020 Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Portsmouth Hospitals National Health Service Trust (Establishment) Order 1992 ("the Establishment Order"), which established the Portsmouth Hospitals National Health Service Trust.

Article 2 changes the name of the trust to the Portsmouth Hospitals University National Health Service Trust.

Article 3 sets out the nature and functions of the trust as being to provide hospital accommodation and services and community health services. This removes the reference to the particular establishments and facilities from which the trust carries out its functions.

Article 4 requires that one of the non-executive directors of the trust is appointed from the University of Portsmouth.

Article 5 omits the definition and specification of the trust's "operational date" as it is of no on-going relevance.

Article 6 revokes articles 6 and 7 of the Establishment Order as they relate to the period before the operational date and are of no on-going relevance.

Article 7 makes consequential provisions to remove a definition that is of longer used in the Establishment Order.

A full impact assessment has not been produced for this instrument as it has no effect on private sector or civil society organisations, and no significant effect on the public sector.

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