STATUTORY INSTRUMENTS

2002 No. 1364

NATIONAL HEALTH SERVICE, ENGLAND

The Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) and the City Hospital National Health Service Trust and Sandwell Healthcare National Health Service Trust (Dissolution) Order 2002

Made - - - - *26th March 2002*

Coming into force *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 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 City Hospital National Health Service Trust and the Sandwell Healthcare 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)**, makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) and the City Hospital National Health Service Trust and the Sandwell Healthcare National Health Service Trust (Dissolution) Order 2002 and shall come into force on 1st April 2002.

(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**(e)**;

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

"the trust" means the Sandwell and West Birmingham Hospitals National Health Service Trust established by article 2 of this 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"), 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.

Establishment and name of trust

2. There is established an NHS trust which shall be called the Sandwell and West Birmingham Hospitals 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, for the purposes of the health service at or from Sandwell General Hospital, Lyndon, West Bromwich, West Midlands, B71 4HJ and City Hospital, Dudley Road, Birmingham, B18 7QH

and at or from any associated hospitals, establishments and facilities.

Directors of 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 shall be 1st April 2002.

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

Dissolution of NHS trust

6.—(1) The City Hospital National Health Service Trust established by the City Hospital National Health Service Trust (Establishment) Order 1993**(a)** is hereby dissolved, and accordingly that Order is revoked.

(2) The Sandwell Healthcare National Health Service Trust established by the Sandwell Healthcare National Health Service Trust (Establishment) Order 1994**(b)** is hereby dissolved, and accordingly that Order is revoked.

Signed by authority of the Secretary of State for Health

Yvette Cooper
Parliamentary Under Secretary of State,
Department of Health

26th March 2002

(a) S.I. 1993/2545.
(b) S.I. 1994/172, as amended by S.I. 1999/62.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Sandwell and West Birmingham Hospitals 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 City Hospital National Health Service Trust; and

the Sandwell Healthcare National Health Service Trust.

The new trust will provide certain services previously provided by the City Hospital National Health Service Trust and the Sandwell Healthcare National Health Service Trust which are 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).

This Order does not impose a charge on businesses.

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