STATUTORY INSTRUMENTS

2004 No. 2897

NATIONAL HEALTH SERVICE, ENGLAND

The South Essex Mental Health and Community Care National Health Service Trust (Establishment) Amendment Order 2004

Made - - - -	*3rd November 2004*
Coming into force - -	*15th November 2004*

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 3(1)(b) and (c) of Schedule 2 to, the National Health Service and Community Care Act 1990(**b**), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the South Essex Mental Health and Community Care National Health Service Trust (Establishment) Amendment Order 2004 and shall come into force on 15th November 2004.

(2) In this Order, "the Establishment Order" means the South Essex Mental Health and Community Care National Health Service Trust (Establishment) Order 2000(**c**).

Amendment of nature and functions of the trust

2. Article 3(2) of the Establishment Order (nature and functions of the trust) shall be replaced by the following—

> "(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.".

Increase in the number of non-executive directors of the trust

3. In article 4 of the Establishment Order (directors of the trust) "5 non-executive directors" shall be replaced by "7 non-executive directors".

(**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), 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). 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 Health Act 1999 (c.8) ("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**) S.I. 2000/406, as amended by S.I. 2002/1498 (Change of Name Order which changed the name of the trust to the South Essex Partnership National Health Service Trust).

Signed by authority of the Secretary of State

John Hutton
Minister of Health,
Department of Health

3rd November 2004

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the South Essex Mental Health and Community Care National Health Service Trust (Establishment) Order 2000, which established the South Essex Mental Health and Community Care National Health Service Trust. The name of the trust was changed to the South Essex Partnership National Health Service Trust by the South Essex Mental Health and Community Care National Health Service Trust Change of Name and (Establishment) Amendment Order 2002.

Article 2 of the Order amends the nature and functions of the trust and removes the references to the establishments from which the trust carries out its functions. Article 3 of the Order increases the number of non-executive directors of the trust from 5 to 7.

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