STATUTORY INSTRUMENTS

2000 No. 406

NATIONAL HEALTH SERVICE, ENGLAND

The South Essex Mental Health and Community Care National Health Service Trust (Establishment) Order 2000

Made - - - - - *17th February 2000*

Coming into force - - *28th February 2000*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3, 4 and 5 of Schedule 2 to, the National Health Service and Community Care Act 1990(**a**) and of all other powers enabling him in that behalf, having completed the consultation prescribed under section 5(2) of that Act(**b**), 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) Order 2000 and shall come into force on 28th February 2000.

(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(**c**).

"establishment date" means 28th February 2000;

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

"the trust" means the South Essex Mental Health and Community Care National Health Service Trust established by article 2 of this Order.

Establishment and name of the trust

2. There is hereby established an NHS trust which shall be called the South Essex Mental Health and Community 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 the following services for the purposes of the health service at or from the following hospitals, establishments or facilities, namely—

(a) community health service at or from—

(**a**) 1990 c. 19; section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17) 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).

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

(**c**) 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), Schedule 1, the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

(i) Thurrock Community Hospital, Long Lane, Gray's, Essex RM16 2PX,

(ii) Rochford Hospital, Union Lane, Rochford, Essex SS4 1RB,

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

(b) hospital accommodation and services at or from—

(i) Thurrock Community Hospital, Long Lane, Gray's, Essex RM16 2PX,

(ii) Rochford Hospital, Union Lane, Rochford, Essex SS4 1RB,

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

Directors of the 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(**a**) of the trust shall be 1st April 2000.

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

Limited functions before operational date

6. Between its establishment date and its operational date the trust shall have the functions—

(a) of entering into NHS contracts;

(b) of entering into other contracts including contracts of employment;

(c) of doing such other things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from its operational date.

Assistance by Health Authorities before operational date

7.—(1) South Essex Health Authority shall discharge the liabilities of the trust, incurred between the establishment date and the operational date, that are of a description specified in paragraph (2) of this article.

(2) The liabilities referred to in the preceding 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.

Signed by authority of the Secretary of State for Health

Hunt
Parliamentary Under-Secretary of State,
Department of Health

17th February 2000

(**a**) *See*, for the definition of "operational date", paragraph 3(1)(e) of Schedule 2 to the 1990 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the South Essex Mental Health and Community Care National Health Service Trust, an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It also 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), the trust's limited functions before the operational date (article 6) and the trust's liabilities which will be discharged by the South Essex Health Authority if incurred between the establishment date and the operational date of the trust (article 7).

This Order should be read in conjunction with the Southend Community Care Services and the Thameside Community Healthcare National Health Service Trusts (Dissolution) Order 2000(**a**).

(**a**) S.I. 2000/407.

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