STATUTORY INSTRUMENTS

2006 No. 786

NATIONAL HEALTH SERVICE, ENGLAND

The Sussex Partnership National Health Service Trust (Establishment) and the East Sussex County Healthcare National Health Service Trust and the West Sussex Health and Social Care National Health Service Trust (Dissolution) Order 2006

Made - - - -	*14th March 2006*
Coming into force - -	*1st April 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred upon her by section 126(3) of the National Health Service Act 1977(**a**) and by section 5(1) of, and paragraphs 3 and 29(1) of Schedule 2 to, the National Health Service and Community Care Act 1990(**b**).

The Secretary of State for Health considers it appropriate in the interests of the health service to dissolve the East Sussex County Healthcare National Health Service Trust(**c**) and the West Sussex Health and Social Care National Health Service Trust(**d**), having completed the consultation prescribed under section 5(2) of, and paragraph 29(3) of Schedule 2 to, the National Health Service and Community Care Act 1990(**e**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sussex Partnership National Health Service Trust (Establishment) and the East Sussex County Healthcare National Health Service Trust and the West Sussex Health and Social Care National Health Service Trust (Dissolution) Order 2006 and shall come into force on 1st April 2006.

(**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 health functions of the Secretary of State 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 section 2(1) of, and paragraph 85(a) of Schedule 1 to, the 1995 Act and by sections 13(7) and (10) and 65(1) of, and paragraphs 74 and 83(1) and (2) of Schedule 4 to, the 1999 Act.

(**c**) Established by S.I. 1992/2534 as the Eastbourne and County Healthcare National Health Service Trust. The name of the trust was changed to the East Sussex County National Health Service Trust by S.I. 2002/1495 and then to the East Sussex County Healthcare National Health Service Trust by S.I. 2002/2397.

(**d**) Established by S.I. 2002/1362.

(**e**) 1990 c.19; section 5(2) was amended by section 2(1) of, and paragraph 69(b) of Schedule 1 to, the 1995 Act. See S.I. 1996/653 for the prescribed consultation.

(2) In this Order—

"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 she has a duty to provide under section 5(1) of that Act(**a**);

"dissolution date" means the date this Order comes into force;

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

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

Establishment and name of the trust

2. There is established a National Health Service trust which shall be called the Sussex Partnership 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.

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 of the trust shall be 1st April 2006.

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

Dissolution of NHS trusts and revocation of orders

6. On the dissolution date—

(a) the East Sussex County Healthcare National Health Service Trust, which was established by the Eastbourne and County Healthcare National Health Service Trust (Establishment) Order 1992(**b**); and

(b) the West Sussex Health and Social Care National Health Service Trust, which was established by the West Sussex Health and Social Care National Health Service Trust (Establishment) and the Worthing Priority National Health Service Trust and Sussex Weald and Downs National Health Service Trust (Dissolution) Order 2002(**c**),

are dissolved, and accordingly their Establishment Orders and the Eastbourne and County National Health Service Trust Change of Name and (Establishment) Amendment Order (No.2) 2002(**d**) are revoked.

(**a**) 1977 c.49; Schedule 1 was amended by paragraph 21 of Schedule 12 of the Education Reform Act 1988 (c.40), by paragraph 7 of Schedule 2 to the Health and Medicines Act 1988 (c.49)("the 1988 Act"), by paragraph 46 of Schedule 37 to the Education Act 1996 (c.56) and by section 196 of, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43); section 5(1) was amended by section 25 of, and Schedule 3 to, the 1988 Act and by section 140(3) of, and Schedule 31 to, the School Standards and Framework Act 1998 (c.31)("the 1998 Act").

(**b**) S.I. 1992/2534. The name of the trust was subsequently changed to the East Sussex County National Health Service Trust by S.I. 2002/1495 and then again to the East Sussex County Healthcare National Health Service Trust by S.I. 2002/2397.

(**c**) S.I. 2002/1362.

(**d**) S.I. 2002/2397.

Signed by authority of the Secretary of State for Health

Caroline Flint
Parliamentary Under Secretary of State,
Department of Health

14th March 2006

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Sussex Partnership National Health Service Trust as a National Health Service trust under the terms set out in section 5 of the National Health Service and Community Care Act 1990.

The Order sets out the functions of the trust (article 3), the number of executive and non-executive directors of the trust (article 4), the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5).

This Order also dissolves the East Sussex County Healthcare National Health Service Trust and the West Sussex Health and Social Care National Health Service Trust and revokes their Establishment Orders and the Establishment Amendment Order relating to East Sussex County Healthcare NHS Trust.

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