STATUTORY INSTRUMENTS

2000 No. 2562

NATIONAL HEALTH SERVICE, ENGLAND

The West London Mental Health National Health Service Trust (Establishment) Order 2000

Made - - - - - *20th September 2000*

Coming into force - - *1st October 2000*

The Secretary of State for Health, in exercise of the powers conferred upon 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 West London Mental Health National Health Service Trust (Establishment) Order 2000 and shall come into force on 1st October 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 1st October 2000;

"high security psychiatric services" has the meaning assigned to it in the National Health Service Act 1977, section 4(**d**);

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

"the trust" means the West London Mental Health National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There is hereby established an NHS trust which shall be called the West London Mental Health National Health Service Trust.

(**a**) 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).

(**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, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), schedule 37, paragraph 46.

(**d**) Section 4 was substituted by the Health Act 1999 (c. 8), section 41(1).

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—

(a) to provide hospital accommodation and services and community health services at or from Trust Headquarters, St. Bernard's Wing, Ealing Hospital, Uxbridge Road, Southall, Middlesex UB1 3EW, and at or from any associated hospitals, establishments and facilities; and

(b) subject to having approval under paragraph 10(2) of Schedule 2 to the Act(**a**), to provide high security psychiatric services at or from Broadmoor Hospital, Crowthorne, Berkshire RG45 7EG.

(3) The trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 3(1)(d) of Schedule 2 to the Act.

Directors of trust

4.—(1) The trust shall have in addition to the chairman 7 non-executive directors and the number of executive directors determined under paragraph (2)(**b**).

(2) The number of executive directors shall be—

(a) 7 where the trust is approved under paragraph 10(2) of Schedule 2 to the Act for the purpose of providing high security psychiatric services,

(b) otherwise, 5.

(3) One of the non-executive directors shall be appointed from London University.

(4) Where paragraph (2)(a) applies, one of the executive directors shall be the chief officer with responsibility for high security psychiatric services(**c**) and one shall be appointed subject to termination of the appointment in the event that the trust ceases to be approved as mentioned in that paragraph.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st April 2001.

(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; and

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

Assistance by Broadmore Hospital Authority before operational date

7.—(1) The Broadmoor Hospital Authority shall discharge the liabilities of the trust incurred during the period from and including the establishment date until the operational date that are of a description specified in paragraph (2) of this article.

(2) The liabilities referred to in the previous paragraph are—

(a) liability for the remuneration and travelling or other allowances of the chairman and non-executive directors of the trust;

(**a**) Paragraphs 10(2) and (3) were added to Schedule 2 of the Act by the Health Act 1999 (c. 8), section 41(3).
(**b**) See S.I. 1990/2024 as amended by S.I. 2000/2434, regulation 2(3).
(**c**) See S.I. 1990/2024 as amended by S.I. 2000/2434, regulation 2(4).

(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

Yvette Cooper
Parliamentary Under-Secretary of State for Public Health,
Department of Health

20th September 2000

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the West London Mental Health National Health Service Trust as an NHS trust, provided for in section 5 of the National Health Service and Community Care Act 1990.

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), the accounting date of the trust (article 5) and the trust's limited functions before the operational date (article 6). It also specifies the trust's liabilities which will be discharged by the Broadmoor Hospital Authority if incurred between the establishment date and the operational date (article 7).

Subject to approval under paragraphs 10(2) and (3) of Schedule 2 to the National Health Service and Community Care Act 1990, the new trust will have the function of providing services at Broadmoor Hospital as well as providing services currently provided by the Ealing, Hammersmith and Fulham Mental Health National Health Service Trust.

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