2001 No. 1175

NATIONAL HEALTH SERVICE, ENGLAND

The West of Cornwall Primary Care Trust (Establishment) Order 2001

Made - - - - -	*15th March 2001*
Coming into force - -	*26th March 2001*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 16A(1), (2) and (3) and 126(4) of, and paragraphs 1 and 2 of Schedule 5A to, the National Health Service Act 1977(**a**) and of all other powers enabling him in that behalf, following compliance with the consultation requirements contained in regulations made under section 16A(5) of the Act(**b**), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the West of Cornwall Primary Care Trust (Establishment) Order 2001 and shall come into force on 26th March 2001.

(2) In this Order, unless the context otherwise requires—

"the Act" means the National Health Service Act 1977;

"Executive Committee" has the meaning given in regulation 1(2) of the Membership Regulations;

"member", "officer member" and "non-officer member" have the meanings given in regulation 1(2) of the Membership Regulations;

"Membership Regulations" means the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(**c**);

"operational date" is to be construed in accordance with paragraph 1(2) of Schedule 5A to the Act;

"preparatory period" is to be construed in accordance with paragraph 2(2) of Schedule 5A to the Act;

"the trust" means the West of Cornwall Primary Care Trust established by article 2 of this Order.

(**a**) 1977 c. 49; section 16A was inserted by the Health Act 1999 (c. 8) ("the 1999 Act"), section 2(1); section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6); Schedule 5A was inserted by the 1999 Act, Schedule 1.

(**b**) *See* S.I. 1999/2337.

(**c**) S.I. 2000/89.

Establishment and name of the Primary Care Trust

2. There is hereby established a Primary Care Trust which is to be called the West of Cornwall Primary Care Trust.

Area of the trust

3. The trust shall be established for the area specified in the Schedule to this Order.

Members of the trust

4.—(1) The trust shall have, in addition to the chairman, 5 officer members and 5 non-officer members.

(2) The non-officer members shall comprise the persons appointed by the Secretary of State under regulation 2(3) of the Membership Regulations.

(3) The officer members(**a**) shall comprise—

(a) the persons who for the time being hold the offices of Chief Executive and Director of Finance of the trust;

(b) the person who for the time being holds the post of chairman of the Executive Committee of the trust;

(c) 2 persons appointed by the chairman of the trust following nomination by the Executive Committee of the trust.

Operational date of the trust

5. The trust's operational date shall be 1st April 2001.

Limitations on the exercise of functions by the trust during the preparatory period

6. During the preparatory period the exercise of functions by the trust shall be limited to the following—

(a) entering into NHS contracts;

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

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

Assistance during the preparatory period

7.—(1) The Cornwall and Isles of Scilly Health Authority shall meet the costs of the trust performing its functions during the preparatory period by discharging such of the liabilities of the trust incurred during that period as are of a description specified in paragraph (2) and do not in aggregate exceed such amount as may be notified by the Authority to the trust.

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

(a) liability for the remuneration and travelling or other allowances of the chairman and members 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 members of the trust;

(c) liability for the remuneration of officers of 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 its operational date.

(3) The Cornwall and Isles of Scilly Health Authority shall make available to the trust during the preparatory period—

(a) premises and other facilities of the Authority; and

(b) officers of the Authority.

(**a**) *See* regulation 2(4) to (11) of the Membership Regulations.

(4) The Cornwall Healthcare National Health Service Trust and the Royal Cornwall Hospitals National Health Service Trust shall make available to the trust during the preparatory period—

(a) premises and other facilities of these NHS trusts; and

(b) staff of these NHS trusts.

Signed by authority of the Secretary of State

Gisela Stuart
Parliamentary Under-Secretary of State,
Department of Health

15th March 2001

SCHEDULE

Article 3

AREA OF TRUST

The Isles of Scilly.

In the district of Kerrier—

the electoral wards of Breage and Germoe, Camborne North, Camborne South, Camborne West, Constantine and Gweek, Crowan, Grade-Ruan and Landewednack, Helston North, Helston South, Illogan North, Illogan South, Mabe and St. Gluvias, Mawnan and Budock, Meneage, Mullion, Porthleven, Redruth North, Redruth South, St. Day and Lanner, St. Keverne, Stithians, Wendron and Sithney.

In the district of Penwith—

the electoral wards of Hayle-Gwinear, Hayle-Gwithian, Lelant and Carbis Bay, Ludgvan, Marazion, Penzance Central, Penzance East, Penzance North, Penzance South, Penzance West, Perranuthnoe, St. Buryan, St. Erth and St. Hilary, St. Ives North, St. Ives South, St. Just.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the West of Cornwall Primary Care Trust ("the trust"), as provided for under section 16A of the National Health Service Act 1977. It specifies the area for which the trust is established (article 3 and the Schedule), its operational date (article 5) and limitations on the exercise of its functions during its preparatory period (article 6). It makes provision for the membership of the trust (article 4) and for assistance to the trust during its preparatory period (article 7).

ISBN 0-11-029160-3

9 780110 291604

£1.75

© Crown copyright 2001

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of
Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.
E149 4/2001 586373 19585