

2011 No. 1184

NATIONAL HEALTH SERVICE, ENGLAND

**The Whittington Hospital National Health Service Trust
(Establishment) Amendment Order 2011**

Made - - - - *26th April 2011*

Coming into force - - *13th May 2011*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1), 272(7) and (8) and 273(1) of, and paragraph 5 of Schedule 4 to, the National Health Service Act 2006^(a).

In accordance with section 25(3) of that Act, the prescribed consultation has been completed^(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Whittington Hospital National Health Service Trust (Establishment) Amendment Order 2011 and shall come into force on 13th May 2011.

(2) In this Order—

“the Establishment Order” means the Whittington Hospital National Health Service Trust (Establishment) Order 1992^(c);

“the trust” means the NHS trust established by the Establishment Order.

Amendment of article 1 of the Establishment Order

2. In article 1 of the Establishment Order (citation, commencement and interpretation), in paragraph (2)—

(a) for the definition of “the Act”, substitute—

““the Act” means the National Health Service Act 2006;”;

(b) for the definition of “community health services”, substitute—

““community health services” means any services which the Secretary of State has a duty to provide under section 3(1)(b), (d) or (e) of, or paragraph 1 or 8 of Schedule 1 to, the Act and any service which the Secretary of State may provide under paragraph 2 or 7A^(d) of that Schedule;”;

(c) omit the definition of “operational date”.

(a) 2006 c.41.

(b) See S.I. 2010/743.

(c) S.I. 1992/2510.

(d) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14) and amended by S.I. 2010/1158 which also amended paragraphs 1 and 2 of that Schedule.

Substitution of article 3 of the Establishment Order

3. For article 3 of the Establishment Order (nature and functions of the trust) substitute—

“Nature and functions of the trust

3. 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.”.

Substitution of article 4 of the Establishment Order

4. For article 4 of the Establishment Order (directors of the trust) substitute—

“Directors of the trust

4.—(1) The trust shall have, in addition to the chairman, 6 non-executive directors and 5 executive directors.

(2) Since the trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 5(1)(d) of Schedule 4 to the Act one of the non-executive directors shall be appointed from University College (University of London).”.

Substitution of article 5 of the Establishment Order

5. For article 5 of the Establishment Order (operational date and accounting date of the trust) substitute—

“Accounting date of the trust

5. The accounting date of the trust shall be 31st March.”.

Revocation of articles 6, 7 and 8 of the Establishment Order

6. The following articles of the Establishment Order are revoked insofar as they are still in force—

- (a) article 6 (limited functions before operational date);
- (b) article 7 (assistance by health authorities before operational date); and
- (c) article 8 (restriction on disposal of assets).

Signed by authority of the Secretary of State for Health.

26th April 2011

Simon Burns
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Whittington Hospital National Health Service Trust (Establishment) Order 1992 (“the Establishment Order”), which established the Whittington Hospital National Health Service Trust.

Article 3 sets out the nature and functions of the trust as being to provide hospital accommodation and services and community health services. It removes reference to section 5 of the National Health Service and Community Care Act 1990 (which has been repealed) and removes the reference to the particular establishments and facilities from which the trust carries out its functions.

Article 4 increases the number of non-executive directors of the trust from 5 to 6, and removes reference to the National Health Service Act and Community Care Act 1990 which has been repealed.

Article 5 specifies the trust’s accounting date. It removes reference to the trust’s operational date as the trust has assumed all its functions.

Article 6 revokes articles 6, 7 and 8 of the Establishment Order as they relate to the period before the operational date and are of no ongoing relevance (article 8 specifies a sum for the purposes of a provision of the National Health Service and Community Care Act 1990 which has been repealed).

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