

2010 No. 2467

NATIONAL HEALTH SERVICE, ENGLAND

**The St George's Healthcare National Health Service Trust
(Establishment) Amendment Order 2010**

Made - - - - - *7th October 2010*

Coming into force - - - - - *1st November 2010*

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 St George's Healthcare National Health Service Trust (Establishment) Amendment Order 2010 and shall come into force on 1st November 2010.

(2) In this Order—

“the Establishment Order” means the St George's Healthcare National Health Service Trust (Establishment) Order 1993^(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) insert the following definition for “community health services”—

““community health services” means any service which the Secretary of State has a duty to provide under section 3(1)(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. 1993/352, as amended by S.I. 1999/1168.

(d) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14).

Amendment 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.”.

Amendment of article 5 of the Establishment Order

4. 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

5. 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.

7th October 2010

Simon Burns
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the St George's Healthcare National Health Service Trust (Establishment) Order 1993 ("the Establishment Order"), which established the St George's Healthcare National Health Service Trust.

Article 3 sets out the nature and functions of the trust which are 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 specifies the trust's accounting date. It removes reference to the trust's operational date as the trust has assumed all its functions.

Article 5 revokes articles 6, 7 and 8 of the Establishment Order, in so far as they are still in force. Articles 6 and 7 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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STATUTORY INSTRUMENTS

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£4.00