
STATUTORY INSTRUMENTS

2018 No. 950

NATIONAL HEALTH SERVICE, ENGLAND

The West London Mental Health National Health Service Trust (Establishment) (Amendment) Order 2018

Made - - - - *29th August 2018*
Coming into force - - *31st August 2018*

The Secretary of State for Health and Social Care makes the following Order in exercise of the powers conferred by sections 25(1), 272(7)(a) and (8)(a) of the National Health Service Act 2006(1). In accordance with section 25(3) of that Act, the consultation prescribed in regulations(2) made under that section has been completed.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the West London Mental Health National Health Service Trust (Establishment) (Amendment) Order 2018 and comes into force on 31st August 2018.

(2) In this Order, “the Establishment Order” means the West London Mental Health National Health Service Trust (Establishment) Order 2000(3).

Change of name and savings

2.—(1) In article 1(2) of the Establishment Order (interpretation), in the definition of “the trust”, after “London” omit “Mental Health”.

(2) In article 2 of the Establishment Order (establishment and name of trust), after “London” omit “Mental Health”.

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- (1) [2006 c.41](#)
 (“the 2006 Act”). Section 179(2) of the Health and Social Care Act
 [2012 \(c.7\)](#)
 provides for the repeal of section 25 of the 2006 Act but this provision is not yet in force.
- (2) [S.I. 2010/743](#)
 , to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) of
 [S.I. 2010/743](#)
 is, before making an order under section 25(1) of the 2006 Act in relation to an NHS trust, consultation by the Secretary of State with that NHS trust.
- (3) [S.I. 2000/2562](#)
 which was amended by
 [S.I. 2013/593](#)

- (3) The change of name effected by paragraphs (1) and (2) does not—
- (a) affect any right or obligation of any person; or
 - (b) invalidate any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the West London Mental Health National Health Service Trust, and all instruments or other documents which refer to that name must be construed as referring to the West London National Health Service Trust.

Change to nature and functions of the trust

3.—(1) Article 3 of the Establishment Order (nature and functions of the trust) is amended as follows.

- (2) Omit paragraph (1).
- (3) For paragraph (2), substitute—
 - “(2) The trust’s functions are—
 - (a) to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service; and
 - (b) subject to there being approval under section 4(3)(b) of the 2006 Act, to provide high security psychiatric services⁽⁴⁾.”
- (4) In paragraph (3), for “3(1)(d) of Schedule 2 to the Act”, substitute “5(3) of Schedule 4 to the 2006 Act”.

Change of requirement relating to director

4.—(1) Article 4 of the Establishment Order (directors of trust) is amended as follows.

- (2) In paragraph (2)(a), for “paragraph 10(2) of Schedule 2 to the Act”, substitute “section 4(3)(b) of the 2006 Act”.
- (3) In paragraph (3), for “London University”, substitute “Imperial College of Science, Technology and Medicine”.

Removal of specification of operational date

- 5.—(1) In article 1(2) of the Establishment Order, omit the definition of “operational date”.
- (2) In the heading of article 5 of the Establishment Order, for “Operational date and accounting”, substitute “Accounting”.
- (3) Omit article 5(1) of the Establishment Order.

Revocation of expired provisions

6. Article 6 (limited functions before operational date) and article 7 (assistance by Broadmoor Hospital Authority before operational date) of the Establishment Order are revoked.

Change to interpretation provision

- 7. In article 1(2) of the Establishment Order —
 - (a) omit the definition of “the Act”;
 - (b) omit the definition of “establishment date”; and

(4) See section 4 of the National Health Service Act 2006 c.41 in relation to high security psychiatric services.

(c) omit the definition of “high security psychiatric services”.

Signed by authority of the Secretary of State for Health and Social Care.

29th August 2018

Stephen Barclay
Minister of State,
Department of Health and Social Care

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the West London Mental Health National Health Service Trust (Establishment) Order 2000, which established the West London Mental Health National Health Service Trust (“the trust”).

Article 2 changes the name of the trust to the West London National Health Service Trust.

Article 3 removes provisions which are no longer relevant, amends the functions of the trust and updates legislative references.

Article 4 sets out the nature and functions of the trust as being to provide hospital accommodation and services and community health services and where approved for that purpose to provide high security psychiatric services. It removes reference to the National Health Service and Community Care Act 1990 (which has been repealed) and inserts a reference to section 4 of the National Health Service Act 2006. Article 4 also requires one of the non-executive directors of the trust to be appointed from the Imperial College of Science, Technology and Medicine.

Article 5 omits the definition and specification of the trust’s “operational date” as it ceases to be relevant.

Article 6 revokes articles 6 and 7 of the West London Mental Health National Health Service Trust (Establishment) Order 2000 as they relate to the period before the operational date and are no longer relevant by reason of the amendment made by article 5.

Article 7 removes definitions that cease to be relevant.

A full impact assessment has not been produced for this instrument as it has no effect on private sector or civil society organisations, and no significant effect on the public sector.