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STATUTORY INSTRUMENTS

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**1998 No. 3069**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Leicestershire and Rutland Healthcare National  
Health Service Trust (Establishment) Order 1998**

*Made* - - - - *8th December 1998*

*Coming into force* - - *1st January 1999*

The Secretary of State for Health, in exercise of the powers conferred on him by section 5(1) of, and paragraphs 1, 3 and 6(2)(d) of Schedule 2 to, the National Health Service and Community Care Act 1990<sup>(1)</sup> and of all other powers enabling him in that behalf, having completed the consultation prescribed by section 5(2) of that Act<sup>(2)</sup>, and considering it appropriate to include, among the functions of the NHS trust established by this order, functions in relation to the provision of services by the trust for one or more Health Authorities or Special Health Authorities<sup>(3)</sup>, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Leicestershire and Rutland Healthcare National Health Service Trust (Establishment) Order 1998 and shall come into force on 1st January 1999.

(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<sup>(4)</sup>;

“establishment date” means 1st January 1999;

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

“the trust” means the Leicestershire and Rutland Healthcare National Health Service Trust established by article 2 of this Order.

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(1) 1990 c. 19; paragraph 1 of Schedule 2 is cited for the definition of “an order”.

(2) Section 5 was amended by paragraph 69 of Schedule 1 to the Health Authorities Act 1995 (c. 17); see S.I.1996/653.

(3) See section 5(6) of the National Health Service and Community Care Act 1990 (c. 19).

(4) 1977 c. 49; section 5 was amended by and section 5(1A) inserted by the Health and Medicines Act 1988 (c. 49) section 10(1); Schedule 1 was amended by the Education Act 1980 (c. 20), Schedule 1, and the Health and Medicines Act 1988 (c. 49), Schedule 2, paragraph 7.

### **Establishment of the trust**

2. There is hereby established on NHS trust which shall be called the Leicestershire and Rutland Healthcare National Health Service Trust.

### **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 own and manage pursuant to section 5(1)(a) of the Act Glenfield Hospital Psychiatric Department, Groby Road, Leicester LE3 9QP; Leicester General Hospital, Psychiatric Department, Gwendolen Road, Leicester LE5 4PW and other hospitals and associated premises (including teaching and research facilities), and there to provide and manage hospital accommodation and services, and there and from there to provide and manage community health services; and
- (b) to provide and manage pursuant to section 5(1)(b) of the Act hospitals or other establishments or facilities in the area of Leicestershire Health Authority, and there to provide and manage hospital accommodation and services, and there and from there to provide and manage community health services.

### **Directors of the trust**

4. The trust shall have, in addition to the chairman, 5 non-executive directors and 5 executive directors.

### **Significant teaching commitment**

5.—(1) The trust is to be regarded as having a significant teaching commitment by virtue of paragraph 3(2)(a) of Schedule 2 to the Act.

(2) One of the non-executive directors of the trust shall be appointed from the University of Leicester.

### **Operational date and accounting date of the trust**

6.—(1) The operational date of the trust shall be 1st April 1999.

(2) The accounting date of the trust shall be 31st March.

### **Limited functions before operational date**

7. Between the establishment date and the 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 things as are reasonably necessary to enable it to begin to operate satisfactorily with effect from the operational date.

### **Assistance by Health Authorities before operational date**

8.—(1) The Leicestershire Health 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 preceding paragraph are—

- (a) liability for the remuneration and travelling and other allowances of the chairman and non-executive directors of the trust;
- (b) liability for the travelling and 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 its operational date.

**Restriction on disposal of assets**

9. The sum specified for the purposes of paragraph 6(2)(d) of Schedule 2 to the Act (maximum value of freely disposable assets) in relation to the trust shall be £1,000,000.

Signed by authority of the Secretary of State for Health

8th December 1998

*Alan Milburn*  
Minister of State,  
Department of Health

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

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order establishes on 1st January 1999 the Leicestershire and Rutland Healthcare National Health Service Trust (“the new trust”), an NHS trust provided for in section 5 of the National Health Service and Community Care Act 1990. It also provides for the functions of the new trust (article 3). It specifies the number of executive and non-executive directors of the new trust (article 4) and that one of the non-executive directors shall be appointed from the University of Leicester (article 5). It specifies the operational date (the date on which the new trust assumes all its functions), the accounting date of the new trust (article 6), and the limited functions that the new trust may carry out between its establishment and operational dates (article 7), and makes provision for assistance to be given by Leicestershire Health Authority between those dates (article 8). It specifies the value above which assets cannot be disposed of without the Secretary of State’s consent (article 9).

The new trust replaces the Leicestershire Mental Health Service and the Fosse Health, Leicestershire Community National Health Service Trusts and this Order should be read in conjunction with the Leicestershire Mental Health Service and the Fosse Health, Leicestershire Community National Health Service Trusts (Dissolution) Order 1998<sup>(5)</sup>.

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<sup>(5)</sup> S.I. 1998/3068.