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STATUTORY INSTRUMENTS

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**1998 No. 3320**

**NATIONAL HEALTH SERVICE  
ENGLAND AND WALES**

WALES

**The North East Wales National Health  
Service Trust (Establishment) Order 1998**

*Made - - - - 16th December 1998*

*Coming into force - - 4th January 1999*

The Secretary of State for Wales, in exercise of powers conferred by section 5(1) of and paragraphs 1, 3, 5 and 6(2)(d) of Schedule 2 to the National Health Service and Community Care Act 1990(1), section 25 of the Welsh Language Act 1993(2) and of all other powers enabling him in that behalf, after completion of the consultation prescribed under section 5(2) of the National Health Service and Community Care Act 1990(3) 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(4) hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the North East Wales National Health Service Trust (Establishment) Order 1998 and shall come into force on 4th 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(5);

“establishment date” means 4th January 1999;

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(1) 1990 c. 19; paragraph 1 of Schedule 2 is cited for the definition of “an order”; paragraphs 3, 5 and 6 were amended by paragraph 85 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”).

(2) 1993 c. 38.

(3) Section 5(2) was substituted by paragraph 69 of Schedule 1 to the 1995 Act.

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

(5) 1977 c. 49; Section 5(1) was amended by, and section 5(1A) was inserted by the Health and Medicines Act 1988 (c. 49), section 10(1); Schedule 1 was amended by the Education Reform Act 1988 (c. 40), Schedule 1, the Health and Medicines Act 1988 (c. 49) Schedule 2, paragraph 7 and the Education Act 1996 (c. 56) Schedule 37, paragraph 46.

“operational date” has the meaning assigned to it in paragraph 3(1)(e) of Schedule 2 to the Act; “the trust” means North East Wales National Health Service Trust established by article 2 of this Order.

### **Establishment of the trust**

2. There is hereby established an NHS trust which shall be called North East Wales National Health Service Trust or Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Gogledd-ddwyrain Cymru.

### **Nature and functions of the trust**

3.—(1) The trust is established for the purpose specified in section 5(1)(a) of the Act.

(2) The trust’s functions shall be to own and manage Wrexham Maelor Hospital, Croesnewydd Road, Wrexham LL13 7TD, and associated hospitals and premises, and there to provide and manage hospital accommodation and services and community health services.

### **Directors of the trust**

4.—(1) The trust shall have, in addition to the chairman, 7 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 3(1)(d) of Schedule 2 to the Act, one of the non-executive directors shall be appointed from the University of Wales.

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

5.—(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**

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

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

7.—(1) North Wales Health Authority shall discharge the liabilities of the trust, incurred between the establishment date and 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 or other allowances of the chairman and non-executive directors 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 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 the operational date.

**Restriction on disposal of assets**

8. 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 Wales

16th December 1998

*Jon Owen Jones*  
Parliamentary Under Secretary of State, Welsh  
Office

**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 the North East Wales National Health Service 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 trust (article 3). It specifies the operational date and accounting date of the trust (article 5). It specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the asset (article 8).