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STATUTORY INSTRUMENTS

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**1998 No. 2966**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Brent, Kensington & Chelsea and  
Westminster Mental Health National Health  
Service Trust (Establishment) Order 1998**

*Made* - - - - *30th November 1998*

*Coming into force* - - *10th December 1998*

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(1) and of all other powers enabling him in that behalf, having completed the consultation prescribed by section 5(2) of that Act(2), and considering it appropriate to include, among the functions of the NHS trust established by this Order, certain functions in relation to the provision of services by the trust for Health Authorities or Special Health Authorities(3), hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as The Brent, Kensington & Chelsea and Westminster Mental Health National Health Service Trust (Establishment) Order 1998 and shall come into force on 10th December 1998.

(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(4);

“establishment date” means 10th December 1998;

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

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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.

“the trust” means The Brent, Kensington & Chelsea and Westminster Mental Health 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 The Brent, Kensington & Chelsea and Westminster Mental Health National Health Service Trust.

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

3. The trust’s functions (which include functions which the Secretary of State considers appropriate in relation to the provision of services by the trust for one or more Health Authorities) shall be to provide and manage pursuant to section 5(1)(b) of the Act Trust Headquarters, Ikea Tower, 255 North Circular Road, Brent Park, London NW10 0JQ, and associated hospitals, establishments and facilities, and from there to provide and manage hospital accommodation and services and to provide and manage community health services.

#### **Directors of the trust**

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

(2) Since 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, one of the non-executive directors shall be appointed from the University of London.

#### **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 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**

7.—(1) The Kensington & Chelsea and Westminster 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 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 its 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 Health

30th November 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 The Brent, Kensington & Chelsea and Westminster Mental Health 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 number of executive and non-executive directors of the trust (including the appointment of a non-executive director from the University of London) (article 4), the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5). It specifies the limited functions that the new trust may carry out between its establishment and operational dates (article 6), and makes provision for assistance to be given by a Health Authority between those dates (article 7). It specifies the value above which assets cannot be disposed of without the Secretary of State's consent (article 8).

This Order should be read in conjunction with the Riverside Mental Health, the North West London Mental Health and the West London Healthcare National Health Service Trusts (Dissolution) Order 1998(5).