
STATUTORY INSTRUMENTS

1998 No. 832

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The South Durham Health Care National Health
Service Trust (Establishment) Order 1998**

Made - - - - *19th March 1998*

Coming into force - - *1st April 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 South Durham Health Care National Health Service Trust (Establishment) Order 1998 and shall come into force on 1st April 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⁾;

“the trust” means the South Durham Health Care National Health Service Trust established by article 2 of this Order.

(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 an NHS trust which shall be called the South Durham Health Care 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:

- (a) Darlington Memorial Hospital, Hollyhurst Road, Darlington, Co. Durham DL3 6HX,
- (b) Bishop Auckland General Hospital, Cockton Hill Road, Bishop Auckland, Co. Durham DL14 6AD,

and other hospitals, establishments or facilities in the area of County Durham Health Authority and there to provide hospital accommodation and services and 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.

Operational date and accounting date of the trust

- 5.—(1) The operational date⁽⁵⁾ of the trust shall be 1st April 1998.
(2) The accounting date of the trust shall be 31st March.

Restriction on disposal of assets

6. 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

19th March 1998

Alan Milburn
Minister of State
Department of Health

(5) See, for the definition of "operational date", paragraph 3(1)(e) of Schedule 2 to the 1990 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the South Durham Health Care 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 directors of the trust (article 4), the operational date (the date on which the trust assumes all its functions) and the accounting date of the trust (article 5), and it specifies the value of assets in excess of which the Secretary of State is to consider the disposal of the assets (article 6).

This Order should be read in conjunction with the Durham County Priority Services National Health Service Trust (Establishment) Order 1998(6), the North Durham Health Care National Health Service Trust (Establishment) Order 1998(7), the Bishop Auckland Hospitals National Health Service Trust (Dissolution) Order 1998(8), the Community Health Care: North Durham National Health Service Trust (Dissolution) Order 1998(9), the Darlington Memorial Hospital National Health Service Trust (Dissolution) Order 1998(10), the North Durham Acute Hospitals National Health Service Trust (Dissolution) Order 1998(11), and the South Durham National Health Service Trust (Dissolution) Order 1998(12).

(6) S.I. 1998/829.
(7) S.I. 1998/835.
(8) S.I. 1998/823.
(9) S.I. 1998/822.
(10) S.I. 1998/833.
(11) S.I. 1998/830.
(12) S.I. 1998/828.