

1999 No. 1118

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES
WALES**

**The Cardiff and District Community National Health Service
Trust (Establishment) Order 1999**

Made - - - - *11th March 1999*

Coming into force *1st April 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(a), section 25 of the Welsh Language Act 1993(b) 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(c) 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(d) hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cardiff and District Community National Health Service Trust (Establishment) Order 1999 and shall come into force on 1st April 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(e);

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

“the trust” means Cardiff and District Community 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 Cardiff and District Community National Health Service Trust or Ymddiriedolaeth Gwasanaeth Iechyd Gwladol Cymunedol Caerdydd a'r Cylch.

(a) 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”).

(b) 1993 c. 38.

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

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

(e) 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 Schedule 1 to the Education Reform Act 1988 (c. 40), paragraph 7 of Schedule 2 to the Health and Medicines Act 1988 (c. 49) and paragraph 46 of Schedule 37 to the Education Act 1996 (c. 56).

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—
 - (i) Whitchurch Hospital, Park Road, Cardiff CF4 1XB,
 - (ii) Royal Hamadryad Hospital, Hunter Street, Cardiff Bay, Cardiff CF1 6UQ,
 - (iii) Dental Hospital and School, Heath Park, Cardiff CF4 4XY,and associated hospitals and premises, and there to provide and manage hospital accommodation and services (including the management of their teaching and research facilities);
 - (b) to own and manage pursuant to section 5(1)(a) of the Act Trenewydd, Fairwater Road, Llandaff, Cardiff CF5 2LD and associated premises, and there to provide and manage community health services; and
 - (c) to provide and manage pursuant to section 5(1)(b) of the Act community health services from—
 - (i) Sealock Centre, 2nd Floor, Sealock Warehouse, Burt Street, Butetown, Cardiff CF1 6HZ;
 - (ii) premises at 1st Floor, 128 Cowbridge Road West, Cardiff CF5 5BT; and
 - (iii) Meridian Court, North Road, Cardiff CF4 3BL.

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.

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 Wales

11th March 1999

Jon Owen Jones
Parliamentary Under Secretary of State,
Welsh Office

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Cardiff and District Community 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 6).

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