

2001 No. 1606

NATIONAL HEALTH SERVICE, ENGLAND

**The Southern Derbyshire Mental Health National Health
Service Trust Change of Name and (Establishment)
Amendment Order 2001**

Made - - - - *22nd March 2001*

Coming into force *1st April 2001*

The Secretary of State for Health, in exercise of the powers conferred on him by section 126(3) of the National Health Service Act 1977(a) and section 5(1) of the National Health Service and Community Care Act 1990(b) and of all other powers enabling him in that behalf, after completion of the consultation prescribed under section 5(2) of the latter Act(c), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Southern Derbyshire Mental Health National Health Service Trust Change of Name and (Establishment) Amendment Order 2001 and shall come into force on 1st April 2001.

(2) In this Order—

“the Order” means the Southern Derbyshire Mental Health National Health Service Trust (Establishment) Order 1992(d);

“the trust” means the National Health Service trust established by the Order.

Change of name of NHS trust and transitional provisions

2.—(1) The trust shall be called the Southern Derbyshire Community and Mental Health Services National Health Service Trust instead of the Southern Derbyshire Mental Health National Health Service Trust, and accordingly in article 1 of the Order in the definition of “the trust”, and in article 2 of the Order, between the words “Southern Derbyshire” and “Mental Health” there are inserted the words “Community and”.

(2) The change of name effected by paragraph (1) shall not—

(a) affect any right or obligation of any person; or

(b) be taken as invalidating any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the trust by its previous name;

(a) 1977 c.49; section 126(3) was amended by section 65(2) of the National Health Service and Community Care Act 1990 (c.19) and by paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c.17) (“the 1995 Act”) and by section 41(10) and paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c.46).

(b) 1990 c.19. Section 5 was amended by paragraph 69 of Schedule 1 to the 1995 Act and by the Health Act 1999 (c.8) section 13; paragraph 3 of Schedule 2 was amended by the Health Act 1999 section 13(7); paragraph 6 of Schedule 2 was amended by the Health Act 1999 Schedule 4 paragraph 83(4), and after the words “Mental Health” the word “Services” is inserted.

(c) See S.I. 1996/653.

(d) S.I. 1992/2473.

and all instruments and other documents which refer to the trust under its previous name shall be construed as if referring to it under its new name.

Further amendments of NHS trust Establishment Order

3.—(1) In article 1 of the Order, in paragraph (2), after the definition of the Act, there shall be inserted—

““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(a);”

(2) For article 3 of the Order (nature and functions of the trust) there shall be substituted the following article—

“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 to provide goods and services, namely hospital accommodation and services, and community health services, for the purposes of the health service, at or from the Community and Mental Health Services, Kingsway Hospital, Derby DE22 3LZ, and at or from any associated hospitals, establishments and facilities.”

Signed by authority of the Secretary of State for Health

22nd March 2001

Yvette Cooper
Parliamentary Under Secretary of State for
Public Health, Department of Health

(a) 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.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Southern Derbyshire Mental Health National Health Service Trust (Establishment) Order 1992 (“the Establishment Order”)(**(a)**) which established the Southern Derbyshire Mental Health Services National Health Service Trust.

Article 2 of the Order changes the name of the trust to the Southern Derbyshire Community and Mental Health Services National Health Service Trust. Article 3 substitutes a new article 3 of the Establishment Order (functions of the trust).

(a) S.I. 1992/2473.

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