
STATUTORY INSTRUMENTS

2001 No. 1888

NATIONAL HEALTH SERVICE, ENGLAND

**The Mersey Care National Health
Service Trust (Establishment) Order 2001**

Made - - - - *24th March 2001*

Coming into force - - *1st April 2001*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 5(1) of, and paragraphs 1, 3, 4, and 5 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 under section 5(2) of that Act(2), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mersey Care National Health Service Trust (Establishment) Order 2001 and shall come into force on 1st April 2001.

(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(3);

“establishment date” means 1st April 2001;

“high security psychiatric services” has the meaning assigned to it in the National Health Service Act 1977, section 4(4);

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

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

(1) 1990 c. 19; section 5 was amended by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 69(d) and by the Health Act 1999 (c. 8) section 13; paragraph 1 of Schedule 2 is cited for the definition of “an order”; paragraph 3 of Schedule 2 to the 1990 Act was amended by the Health Act 1999, section 13(7).

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

(3) 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, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

(4) Section 4 was substituted by the Health Act 1999 (c. 8), section 41(1).

Establishment and name of trust

2. There is hereby established an NHS trust which shall be called the Mersey Care National Health Service Trust.

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 provide hospital accommodation and services and community health services at or from Longmoor Lane, Liverpool L9 7JP and at or from any associated hospitals, establishments and facilities; and
- (b) subject to having approval under paragraph 10(2) of Schedule 2 to the Act⁽⁵⁾, to provide high security psychiatric services at or from Ashworth Hospital, Parkbourn, Maghull Merseyside L31 1HW.

Directors of trust

4.—(1) The trust shall have in addition to the chairman 7 non-executive directors and the number of executive directors determined under paragraph (2)⁽⁶⁾.

(2) The number of executive directors shall be—

- (a) 5, unless
- (b) the trust is approved under paragraph 10(2) of Schedule 2 to the Act for the purpose of providing high security psychiatric services, in which case, 7.

(3) Where paragraph (2)(b) applies, one of the executive directors shall be the chief officer with responsibility for high security psychiatric services⁽⁷⁾ and one shall be appointed subject to termination of the appointment in the event that the trust ceases to be approved as mentioned in that paragraph.

Operational date and accounting date of the trust

5.—(1) The operational date shall be 1st April 2001.

(2) The accounting date of the trust shall be 31st March.

Signed by authority of the Secretary of State for Health

24th March 2001

Hunt
Parliamentary Under Secretary of State,
Department of Health

⁽⁵⁾ Paragraphs 10(2) and (3) were added to Schedule 2 of the Act by the Health Act 1999 (c. 8), section 41(3).

⁽⁶⁾ See S.I. 1990/2024 as amended by S.I. 2000/2434, regulation 2(3).

⁽⁷⁾ See 1990/2024 as amended by S.I. 2000/2434, regulation 2(4).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Mersey Care National Health Service Trust as an NHS trust, provided for in section 5 of the National Health Service and Community Care Act 1990.

The Order provides for the functions of the trust (article 3) and the number of executive and non-executive directors (article 4). It specifies the operational date (the date on which the trust assumes all its functions), and the accounting date of the trust (article 5).

The new trust will provide certain services currently provided by the Aintree Hospitals, the North Mersey Community, and the North Sefton & West Lancashire Community National Health Service Trusts, and, at a date to be determined, certain services currently provided by the St Helens and Knowsley Hospital Services National Health Service Trust.

Furthermore, subject to approval under paragraphs 10(2) and (3) of Schedule 2 to the National Health Service and Community Care Act 1990, the management of certain functions, and of certain high security psychiatric services currently provided by Ashworth Special Health Authority at Ashworth Hospital will be undertaken by the new trust.

This Order is to be read in conjunction with the North Mersey Community National Health Service Trust (Establishment) Amendment Order 2001⁽⁸⁾, and the North Sefton & West Lancashire Community National Health Service Trust (Establishment) Amendment Order 2001⁽⁹⁾.

⁽⁸⁾ S.I. 2001/1625.

⁽⁹⁾ S.I. 2001/1889.