

2003 No. 2345

NATIONAL HEALTH SERVICE, ENGLAND

**The Sandwell and West Birmingham Hospitals National
Health Service Trust (Establishment) Amendment Order
2003**

Made - - - - *9th September 2003*

Coming into force *29th September 2003*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 126(3) of the National Health Service Act 1977(a), and by section 5(1) of, and paragraph 3 of Schedule 2 to, the National Health Service and Community Care Act 1990(b), and of all other powers enabling him in that behalf hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) Amendment Order 2003 and shall come into force on 29th September 2003.

(2) In this Order—

“the Establishment Order” means the Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) Order 2002(c); and

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

Significant teaching commitment

2. In article 3 of the Establishment Order (nature and functions of the trust), after paragraph (2), there shall be inserted—

“(3) 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.”.

Directors of trust

3. For article 4 of the Establishment Order (directors of trust) there shall be substituted—

“4.—(1) The trust shall have, in addition to the chairman, 6 non-executive directors and 5 executive directors.

(2) One of the non-executive directors shall be appointed from the University of Birmingham.”.

(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) (“the 1990 Act”), paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c.17) (“the 1995 Act”) and section 41(10) of, and paragraph 27 of Schedule 2 to, the National Health Service (Primary Care) Act 1997 (c.46) (“the 1997 Act”). The functions of the Secretary of State under these provisions are, so far as exercisable in relation to Wales, transferred to the National Assembly for Wales by article 2(a) of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I. 1999/672, as amended by section 66(5) of the Health Act 1999 (c.8) (“the 1999 Act”).

(b) 1990 c.19; section 5(1) was amended by sections 13(1)(a), (10) and 65(2) of, and Schedule 5 to, the 1999 Act; paragraph 3 to Schedule 2 was amended by paragraph 85(a) of Schedule 1 to the 1995 Act and by section 13(7) and (10) of, and paragraphs 74, 83(1) and (2) of Schedule 4 to, the 1999 Act.

(c) S.I. 2002/1364.

Signed by authority of the Secretary of State

9th September 2003

John Hutton
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) Order 2002, which established the Sandwell and West Birmingham Hospitals National Health Service Trust.

Article 2 of the Order designates the trust as having a significant teaching commitment. Article 3 of the Order increases the number of non-executive directors of the trust from 5 to 6 and requires that one of them must be appointed from the University of Birmingham to reflect the trust's teaching commitment.

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