

2003 No. 617

NATIONAL HEALTH SERVICE, ENGLAND

The Birmingham and Solihull Mental Health National Health Service Trust (Establishment) and the Northern Birmingham Mental Health National Health Service Trust and South Birmingham Mental Health National Health Service Trust (Dissolution) Order 2003

Made - - - - - *14th March 2003*

Coming into force *1st April 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 paragraphs 1, 3 and 29(1) of Schedule 2 to, the National Health Service and Community Care Act 1990(b) and of all other powers enabling him in that behalf, considering it appropriate in the interests of the health service to dissolve the Northern Birmingham Mental Health National Health Service Trust(c) and the South Birmingham Mental Health National Health Service Trust(d), and having completed the consultation prescribed under section 5(2) of, and paragraph 29(3) of Schedule 2 to, the National Health Service and Community Care Act 1990(e), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Birmingham and Solihull Mental Health National Health Service Trust (Establishment) and the Northern Birmingham Mental Health National Health Service Trust and South Birmingham Mental Health National Health Service Trust (Dissolution) Order 2003 and shall come into force on 1st April 2003.

(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(f);

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- (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”), by paragraph 57 of Schedule 1 to the Health Authorities Act 1995 (c. 17) (“the 1995 Act”) and by paragraph 27 of Schedule 2 to the National Health Service (Primary Care) Act 1997 (c. 46).
- (b) 1990 c. 19; section 5(1) was amended by the Health Act 1999 (c. 8) (“the 1999 Act”), section 13(1)(a), (10), and by section 65(2) and Schedule 5; paragraph 1 of Schedule 2 is cited for the definition of “an order”; paragraph 3 of Schedule 2 was amended by the 1995 Act, section 2(1), Schedule 1, paragraph 85(a); by the 1999 Act, section 13(7), (10), section 65(1), and Schedule 4, paragraphs 74, 83(1) and (2).
- (c) S.I. 1994/173, as amended by S.I. 1999/2955.
- (d) S.I. 1994/171, as amended by S.I. 1999/1169.
- (e) Section 5(2) of the 1990 Act was amended by the 1995 Act, section 2(1), Schedule 1, paragraph 69(b). See S.I. 1996/653 for the prescribed consultation.
- (f) 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), paragraph 21 of Schedule 12, the Health and Medicines Act 1988, Schedule 2, paragraph 7 and the Education Act 1996 (c. 56), Schedule 37, paragraph 46.

“dissolution date” means the date this order comes into force;

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

“the trust” means the Birmingham and Solihull Mental Health National Health Service Trust established by article 2 of this Order.

Establishment and name of trust

2. There is established a National Health Service trust which shall be called the Birmingham and Solihull Mental Health 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 to provide goods and services, namely hospital accommodation and services, and community health services, for the purposes of the health service at or from—

(a) Vincent Drive, Edgbaston, Birmingham, B15 2TZ; and

(b) 71 Fentham Road, Erdington, Birmingham, B23 6AL.

and at or from any associated hospitals, establishments and facilities.

Directors of trust

4. The trust shall have, in addition to the chairman, 5 executive directors and 7 non-executive directors.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be the date on which this Order comes into force.

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

Dissolution of NHS trust

6. On the dissolution date—

(a) the Northern Birmingham Mental Health National Health Service Trust which was established by the Northern Birmingham Mental Health National Health Service Trust (Establishment) Order 1994(a); and

(b) the South Birmingham Mental Health National Health Service Trust which was established by the South Birmingham Mental Health National Health Service Trust (Establishment Order) 1994(b),

are dissolved, and accordingly their Establishment Orders are revoked.

Signed by authority of the Secretary of State for Health

David Lammy
Parliamentary Under Secretary of State,
Department of Health

14th March 2003

(a) S.I. 1994/173, as amended by S.I. 1999/2955.

(b) S.I. 1994/171, as amended by S.I. 1998/000.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Birmingham and Solihull Mental Health National Health Service Trust as an NHS trust (“the new trust”), under the terms set out in section 5 of the National Health Service and Community Care Act 1990.

This Order also dissolves on 1st April 2003 the Northern Birmingham Mental Health National Health Service Trust and the South Birmingham Mental Health National Health Service Trust.

The Order provides for the functions of the new 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).

This Order does not impose a charge on businesses.

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