

2005 No. 2048

NATIONAL HEALTH SERVICE, ENGLAND

The Hull and East Riding Community Health National Health Service Trust (Change of Name) (Establishment) Amendment Order 2005

Made - - - - *20th July 2005*

Coming into force - - *30th July 2005*

The Secretary of State for Health, in exercise of the powers conferred upon her by section 126(3) and (4) of the National Health Service Act 1977(a), and by section 5(1) of, and paragraphs 3(1)(a) to (d) and (2) of Schedule 2 to, the National Health Service and Community Care Act 1990(b), and of all other powers enabling her in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Hull and East Riding Community Health National Health Service Trust (Change of Name) (Establishment) Amendment Order 2005 and shall come into force on 30th July 2005.

(2) In this Order—

- (a) “the Establishment Order” means the Hull and East Riding Community Health National Health Service Trust (Establishment) Order 1999(c);
- (b) “the trust” means the National Health Service trust established by the Establishment Order.

Change of name of trust and transitional provision

2.—(1) The trust shall be called the Humber Mental Health Teaching National Health Service Trust instead of the Hull and East Riding Community Health National Health Service Trust, and accordingly in article 1(2) of the Establishment Order in the definition of “the trust”, and in article

(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); section 126 (4) was amended by section 65(2) of the 1990 Act, by section 65(1) of, and paragraphs 37(1) and(6) of Schedule 4 to the Health Act 1999 (c.8) (“the 1999 Act”), by section 67(1) of, and paragraphs 5(1) and 13(b) of Schedule 5 to the Health and Social Care Act 2001(c.15), by section 6(3)(c) and 37(1) of, and paragraphs 1 and 10 of Schedule 8 to, the National Health Service Reform and Health Care Professions Act 2002 (“the 2002 Act”) and by sections 184, 196 and paragraphs 7 and 38 of Schedule 11 to, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003(c.43). 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 1999 Act.

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

(c) S.I. 1999/2688.

2 of the Establishment Order, for “Hull and East Riding Community Health” there shall be substituted “Humber Mental Health Teaching”.

(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 or on or after the day on which this Order comes into force) which refers to the trust by its previous name,

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

Amendment of nature and functions of the trust

3. Article 3(2) of the Establishment Order (nature and functions of the trust) shall be replaced by the following—

“(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.”.

Amendment of the directors of the trust

4. Article 4 of the Establishment Order (directors of the trust) shall be replaced by the following—

“4.—(1) The trust shall have, in addition to the chairman, 6 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 Hull York Medical School.”.

Signed by authority of the Secretary of State

20th July 2005

Warner
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Hull and East Riding Community Health National Health Service Trust (Establishment) Order 1999.

Article 2 of the Order changes the name of the trust from the Hull and East Riding Community Health National Health Service Trust to the Humber Mental Health Teaching National Health Service Trust, and makes consequential amendments to the Establishment Order. Article 3 of the Order removes the references to the establishments from which the trust carries out its functions. Article 4 of the Order increases the number of non-executive directors of the trust from 5 to 6 and provides that one of the non-executive directors must be appointed from the Hull York Medical School.

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£3.00

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E1159 7/2005 151159T 19585

ISBN 0-11-073177-8



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