

**2005 No. 3493**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Morecambe Bay Hospitals National Health Service Trust  
(Change of Name) (Establishment) Amendment Order 2005**

*Made* - - - - 20th December 2005

*Coming into force* - - 30th December 2005

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

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Morecambe Bay Hospitals National Health Service Trust (Change of Name) (Establishment) Amendment Order 2005 and shall come into force on 30<sup>th</sup> December 2005.

(2) In this Order, “the Establishment Order” means the Morecambe Bay Hospitals National Health Service Trust (Establishment) Order 1998(c).

**Amendment of article 1(2) of the Establishment Order**

2. In article 1(2) of the Establishment Order, after the definition of “the Act”, the following definition 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(d);”.

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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”), 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. 1998/816.
- (d) 1977 c.49; Schedule 1 was amended by paragraph 21 of Schedule 12 of the Education Reform Act 1988 (c.40), by paragraph 7 of Schedule 2 to the Health and Medicines Act 1988 (c.49)(“the 1988 Act”) and by paragraph 46 of Schedule 37 to the Education Act 1996 (c.56); section 5(1) was amended by section 25 of, and Schedule 3 to, the 1988 Act and by section 140(3) of, and Schedule 31 to, the School Standards and Framework Act 1998 (c.31)(“the 1998 Act”); section 5(1A) was

### **Change of name of trust and transitional provision**

3.—(1) The trust shall be called the University Hospitals of Morecambe Bay National Health Service Trust instead of the Morecambe Bay Hospitals National Health Service Trust, and accordingly in article 1(2) of the Establishment Order in the definition of “the trust”, and in article 2 of the Establishment Order, for the words “Morecambe Bay Hospitals” there shall be substituted the words “University Hospitals of Morecambe Bay”.

4. 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**

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

“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.”.

### **Amendment of the directors of the trust**

6. 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 University of Liverpool.”.

Signed by authority of the Secretary of State

20th December 2005

*Warner*  
Minister of State,  
Department of Health

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inserted by section 10(1) of the 1988 Act, and amended by section 140(3) of, and Schedule 31 to, the 1998 Act and will be repealed on a date to be appointed by sections 171(2) and 196 of, and Part 4 of Schedule 14 to, the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Morecambe Bay Hospitals National Health Service Trust (Establishment) Order 1998, which established the Morecambe Bay Hospitals National Health Service Trust.

Article 3 of the Order changes the name of the trust from the Morecambe Bay Hospitals National Health Service Trust to the University Hospitals of Morecambe Bay National Health Service Trust and makes consequential amendments to the Establishment Order. Article 4 of the Order removes the references to the establishments from which the trust carries out its functions. Article 5 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 University of Liverpool.

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