

2008 No. 2431

NATIONAL HEALTH SERVICE, ENGLAND

**The Dudley and Walsall Mental Health Partnership National
Health Service Trust (Establishment) Order 2008**

Made - - - - *11th September 2008*

Coming into force - - *1st October 2008*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1) and 272(7) of, and paragraph 5 of Schedule 4 to, the National Health Service Act 2006(a).

The Secretary of State for Health makes this Order following the completion of the consultation prescribed under section 25(3) of the National Health Service Act 2006.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Dudley and Walsall Mental Health Partnership National Health Service Trust (Establishment) Order 2008 and shall come into force on 1st October 2008.

(2) In this Order—

“the Act” means the National Health Service Act 2006;

“community health services” means any services which the Secretary of State may provide under section 3(1)(d) or (e) of, or paragraph 2 of Schedule 1 to, the Act and any service which he has a duty to provide under paragraph 1 or 8 of that Schedule;

“operational date” has the meaning assigned to it in paragraph 5(5) of Schedule 4 to the Act; and

“the trust” means the National Health Service trust established by article 2.

Establishment and name of the trust

2. There is established a National Health Service trust which shall be called the Dudley and Walsall Mental Health Partnership National Health Service Trust.

Nature and functions of the trust

3.—(1) The trust is established for the purposes specified in section 25(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.

(a) 2006 c.41.

Directors of the trust

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

(2) If the Secretary of State suspends the chairman, or a non-executive director of the trust, the number of non-executive directors of the trust shall increase during the period of suspension by the number of persons so suspended.

Operational date and accounting date of the trust

5.—(1) The operational date of the trust shall be 1st October 2008.

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

Transfer of staff to the trust

6. The Walsall Teaching Primary Care Trust(a) and the Dudley Primary Care Trust(b) have each made a scheme for the purposes of paragraph 8(1)(b) of Schedule 4 to the Act for the transfer of staff to the trust.

Signed by authority of the Secretary of State for Health

11th September 2008

Ben Bradshaw
Minister of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Dudley and Walsall Mental Health Partnership National Health Service Trust as a National Health Service trust.

The Order sets out the functions of the trust (article 3), the number of executive and non-executive directors of the trust (article 4), the operational date (the date on which the trust assumes all its functions), and the accounting date of the trust (article 5). This Order also refers to the schemes made by the relevant Primary Care trusts for the transfer of certain of their staff to the trust (article 6).

(a) S.I. 2002/894, relevant amending instrument is S.I. 2003/1983.

(b) S.I. 2006/2072, to which there are amendments not relevant to this Order.