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STATUTORY INSTRUMENTS

2009 No. 3086

NATIONAL HEALTH SERVICE, ENGLAND

**The Royal Wolverhampton Hospitals National Health Service
Trust (Establishment) Amendment Order 2009**

Made - - - - *24th November 2009*

Coming into force - - *10th December 2009*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1), 272(7) and (8) and 273(1) of, and paragraph 5(1) of Schedule 4 to, the National Health Service Act 2006^(a).

In accordance with section 25(3) of that Act, the prescribed consultation has been completed^(b).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Royal Wolverhampton Hospitals National Health Service Trust (Establishment) Amendment Order 2009 and shall come into force on 10th December 2009.

(2) In this Order—

“the Establishment Order” means the Royal Wolverhampton Hospitals National Health Service Trust (Establishment) Order 1993^(c);

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

Amendment of article 1 of the Establishment Order

2. In article 1 of the Establishment Order (citation, commencement and interpretation), in paragraph (2)—

(a) for the definition of “the Act” substitute—

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

(b) after the definition of “the Act”, insert—

““community health services” means any services which the Secretary of State may provide under section 3(1)(d) or (e) of, or paragraph 2 or 7A^(d) of Schedule 1 to, the Act and any service which he has a duty to provide under paragraph 1 or 8 of that Schedule;” ; and

(a) 2006 c.41.

(b) See S.I. 1996/653, amended by S.I. 2001/3788.

(c) S.I. 1993/2574.

(d) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14).

- (c) in the definition of “operational date”, for “paragraph 3(1)(e) of Schedule 2 to the Act” substitute “paragraph 5(5) of Schedule 4 to the Act”.

Amendment of article 3 of the Establishment Order

3. In article 3 of the Establishment Order (nature and functions of the trust)—

- (a) in paragraph (1), for “5(1)(a) of the Act”, substitute “25(1) of the Act”; and
(b) for paragraph (2), substitute—

“(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 article 4 of the Establishment Order

4. In article 4 of the Establishment Order (directors of the trust) for “5 non-executive directors” substitute “6 non-executive directors”.

Amendment of article 7 of the Establishment Order

5. In article 7 of the Establishment Order (assistance by health authorities before operational date) in paragraph 7(4), for “3(1)(f) of Schedule 2 to the Act”, substitute “5(1)(f) of Schedule 4 to the Act”.

Signed by authority of the Secretary of State for Health

24th November 2009

Mike O’Brien
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Royal Wolverhampton Hospitals National Health Service Trust (Establishment) Order 1993 (“the Establishment Order”), which established the Royal Wolverhampton Hospitals National Health Service Trust.

Article 3 amends article 3 of the Establishment Order which specifies the nature and functions of the trust, so as to replace the reference to section 5(1)(a) of the National Health Service and Community Care Act 1990 (which has been revoked and replaced by section 25(1) of the National Health Service Act 2006) and remove the reference to the particular establishments and facilities from which the trust carries out its functions.

Article 4 increases the number of non-executive directors the trust must have from 5 to 6.

Article 5 replaces the reference to paragraph 3(1)(f) of Schedule 2 to the National Health Service and Community Care Act 1990 which has been revoked and replaced by paragraph 5(1)(f) of Schedule 4 to the National Health Service Act 2006.

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£4.00