

2013 No. 2375

NATIONAL HEALTH SERVICE, ENGLAND

**The Dartford and Gravesham National Health Service Trust
(Establishment) Amendment Order 2013**

Made - - - - *19th September 2013*

Coming into force - - *30th September 2013*

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 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 Dartford and Gravesham National Health Service Trust (Establishment) Amendment Order 2013 and comes into force on 30th September 2013.

(2) In this Order—

“the Establishment Order” means the Dartford and Gravesham National Health Service Trust (Establishment) Order 1993(c); and

“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—

(a) whose provision must be arranged by a clinical commissioning group under section 3(1)(d) or (e) of the Act;

(b) which are of a kind mentioned in section 3(1)(d) or (e) of the Act, but—

(a) 2006 c.41. Section 179(2) of the Health and Social Care Act 2012 (c.7) (“the 2012 Act”) provides for the repeal of section 25 of the National Health Service Act 2006 (“the 2006 Act”) (subsection (4) of which gives Schedule 4 effect) but this provision is not yet in force.

(b) S.I. 2010/743, to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) is consultation by the Secretary of State with that NHS trust. Such consultation has taken place in respect of articles 2(c), 4 and 5 as those changes are not as a result of the final report published under section 65I(3) of the 2006 Act in relation to South London Healthcare National Health Service Trust and found at www.gov.uk/government/publications/final-report-by-trust-special-administrator-at-south-london-healthcare-nhs-trust.

(c) S.I. 1993/2642, amended by S.I. 1996/994.

- (i) whose provision must be arranged by the Board under regulations made under section 3B of the Act; or
 - (ii) which may be provided by the Secretary of State or a local authority under section 2B of the Act;
 - (c) which a local authority must provide under paragraph 1 of Schedule 1 to the Act;
 - (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the Act; or
 - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the Act;”(a); and
- (c) omit the definition of “operational date”.

Amendment of article 3 of the Establishment Order

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

“3.—(1) The trust is established for the purpose 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.”.

Amendment of article 5 of the Establishment Order

4. For article 5 of the Establishment Order (operational date and accounting date of the trust) and the heading to that article, substitute—

“Accounting date of trust

5. The accounting date of the trust shall be 31st March.”.

Revocation of articles 6 and 7 of the Establishment Order

5. The following articles of the Establishment Order are revoked—

- (a) article 6 (limited functions before operational date); and
- (b) article 7 (assistance by health authorities before operational date).

Signed by authority of the Secretary of State for Health.

Earl Howe
Parliamentary Under-Secretary of State,
Department of Health

19th September 2013

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Dartford and Gravesham National Health Service Trust (Establishment) Order 1993 (the Establishment Order), which established the Dartford and Gravesham National Health Service Trust.

(a) The relevant regulations referred to in the inserted definition for “community health services” at paragraph (b)(i) are The National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996) and The National Health Service and Public Health (Functions and Miscellaneous Provisions) Regulations (S.I. 2013/261). Section 2B of the 2006 Act was inserted by section 12 of the 2012 Act. Section 3(1) of the 2006 Act was amended by section 13 of the 2012 Act. Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. Paragraphs 1 and 2 of Schedule 1 to the 2006 Act were amended by section 17(2), (3) and (4) of the 2012 Act. Paragraph 7A of Schedule 1 was inserted by section 143(1) of the Health and Social Care Act 2008 (c.14) and amended by section 17(2) and (7) of the 2012 Act.

Article 2 amends the definition of “the Act” to refer to the National Health Service Act 2006 as the National Health Service and Community Care Act 1990 (under which the original order was made) has been repealed. It also includes a new definition of “community health services”. Articles 2(c) and 4 omit the definition and specification of the trust’s “operational date” as the trust is already established.

Article 3 amends the nature and functions of the trust, to provide hospital accommodation and services and community health services for the purposes of the health service.

Article 5 revokes articles 6 and 7 of the Establishment Order as they relate to the period before the operational date and are of no ongoing relevance.

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£4.00

UK201309197 09/2013 19585

<http://www.legislation.gov.uk/id/uksi/2013/2375>

ISBN 978-0-11-110417-0



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