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STATUTORY INSTRUMENTS

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**2013 No. 593**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The National Health Service Trusts  
(Establishment) Amendment Order 2013**

*Made* - - - - - *12th March 2013*

*Coming into force* - - - - - *1st April 2013*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 25(1), 272(7) and 273(1) of, and paragraph 5(2) of Schedule 4 to, the National Health Service Act 2006(1).

**Citation and commencement**

1. This Order may be cited as the National Health Service Trusts (Establishment) Amendment Order 2013 and comes into force on 1st April 2013.

**Amendment of National Health Service Trust establishment Orders**

2.—(1) For the definition of “community health services” in article 1(2) of each of the Orders listed in Schedule 1, substitute—

““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(2);
- (b) which are of a kind mentioned in section 3(1)(d) or (e) of the Act, but—
  - (i) whose provision must be arranged by the Board under regulations made under section 3B of the Act(3); 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(4);

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(1) 2006 c. 41. The powers conferred by the National Health Service Act 2006 (“the 2006 Act”) and exercised by the Secretary of State in making this Order are exercisable only in relation to England by virtue of section 271(1) of that Act.

(2) Section 3(1) of the 2006 Act was amended by section 13(1) and (2) of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”).

(3) Section 3B of the 2006 Act was inserted by section 15 of the 2012 Act. The regulations made under that section are currently the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996).

(4) Paragraph 1 of Schedule 1 to the 2006 Act was amended by section 17(2) and (3) of the 2012 Act.

- (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the Act<sup>(5)</sup>; or
  - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the Act;”.
- (2) In article 1(2) of each of the Orders listed in Schedule 2—
- (a) before the definition of “the Act”, insert—
    - ““the 2006 Act” means the National Health Service Act 2006;”, and
  - (b) for the definition of “community health services” substitute—
    - ““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 2006 Act;
    - (b) which are of a kind mentioned in section 3(1)(d) or (e) of the 2006 Act, but—
      - (i) whose provision must be arranged by the Board under regulations made under section 3B of the 2006 Act; or
      - (ii) which may be provided by the Secretary of State or a local authority under section 2B of the 2006 Act;
    - (c) which a local authority must provide under paragraph 1 of Schedule 1 to the 2006 Act;
    - (d) which a local authority may provide under paragraph 2 or 7A of Schedule 1 to the 2006 Act; or
    - (e) which the Secretary of State must provide under paragraph 8 of Schedule 1 to the 2006 Act;”.

Signed by authority of the Secretary of State for Health.

12th March 2013

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

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(5) Paragraph 2 of Schedule 1 to the 2006 Act was amended by section 17(2) and (4) of the 2012 Act, and paragraph 7A of Schedule 1 to the 2006 Act 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.

## SCHEDULE 1

Article 2(1)

<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
Walsall Hospitals National Health Service Trust (Establishment) Order 1990(6)	S.I. 1990/2451
Ealing Hospital National Health Service Trust (Establishment) Order 1991(7)	S.I. 1991/2340
South Downs Health National Health Service Trust (Establishment) Order 1991(8)	S.I. 1991/2401
Whittington Hospital National Health Service Trust (Establishment) Order 1992(9)	S.I. 1992/2510
North Staffordshire Hospital Centre National Health Service Trust (Establishment) Order 1992(10)	S.I. 1992/2559
Mayday Healthcare National Health Service Trust (Establishment) Order 1993(11)	S.I. 1993/27
Lewisham Hospital National Health Service Trust (Establishment) Order 1993(12)	S.I. 1993/694
Churchill John Radcliffe National Health Service Trust (Establishment) Order 1993(13)	S.I. 1993/2544
George Eliot Hospital National Health Service Trust (Establishment) Order 1993(14)	S.I. 1993/2551
Hereford Hospitals National Health Service Trust (Establishment) Order 1993(15)	S.I. 1993/2552
Northampton General Hospital National Health Service Trust (Establishment) Order 1993(16)	S.I. 1993/2561
Royal Wolverhampton Hospitals National Health Service Trust (Establishment) Order 1993(17)	S.I. 1993/2574
Nottinghamshire Healthcare National Health Service Trust (Establishment) Order 2000(18)	S.I. 2000/2908

- (6) The definition of “community health services” was inserted into this Order by S.I. 2011/791.  
(7) The definition of “community health services” was inserted into this Order by S.I. 2010/185.  
(8) The definition of “community health services” was inserted into this Order by S.I. 2010/2229.  
(9) The definition of “community health services” was inserted into this Order by S.I. 2011/1184.  
(10) The definition of “community health services” was inserted into this Order by S.I. 2009/3085.  
(11) The definition of “community health services” was inserted into this Order by S.I. 2010/2230.  
(12) The definition of “community health services” was inserted into this Order by S.I. 2010/100.  
(13) The definition of “community health services” was inserted into this Order by S.I. 2011/2397.  
(14) The definition of “community health services” was inserted into this Order by S.I. 2009/1510.  
(15) The definition of “community health services” was inserted into this Order by S.I. 2011/891.  
(16) The definition of “community health services” was inserted into this Order by S.I. 2011/1183.  
(17) The definition of “community health services” was inserted into this Order by S.I. 2012/1837.  
(18) The definition of “community health services” was inserted into this Order by S.I. 2011/1518.

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<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
Barnet, Enfield and Haringey Mental Health National Health Service Trust (Establishment) Order 2001 <b>(19)</b>	<a href="#">S.I. 2001/1330</a>
Mid Yorkshire Hospitals National Health Service Trust (Establishment) and the Pinderfields and Pontefract Hospitals National Health Service Trust and the Dewsbury Health Care National Health Service Trust (Dissolution) Order 2002 <b>(20)</b>	<a href="#">S.I. 2002/1341</a>
East Lancashire Hospitals National Health Service Trust (Establishment) and the Blackburn, Hyndburn and Ribble Valley Health Care National Health Service Trust and Burnley Health Care National Health Service Trust (Dissolution) Order 2002 <b>(21)</b>	<a href="#">S.I. 2002/2073</a>
Buckinghamshire Hospitals National Health Service Trust (Establishment) and the South Buckinghamshire National Health Service Trust and Stoke Mandeville Hospital National Health Service Trust (Dissolution) Order 2002 <b>(22)</b>	<a href="#">S.I. 2002/2419</a>
East Sussex Hospitals National Health Service Trust (Establishment) and the Eastbourne Hospitals National Health Service Trust and Hastings and Rother National Health Service Trust (Dissolution) Order 2002 <b>(23)</b>	<a href="#">S.I. 2003/216</a>
Imperial College Healthcare National Health Service Trust (Establishment) and the Hammersmith Hospitals National Health Service Trust and the St Mary's National Health Service Trust (Dissolution) Order 2007	<a href="#">S.I. 2007/2755</a>
Walsall Mental Health Partnership National Health Service Trust (Establishment) Order 2008	<a href="#">S.I. 2008/2431</a>
Western Sussex Hospitals National Health Service Trust (Establishment) and the Royal West Sussex National Health Service Trust and the Worthing and Southlands Hospitals National Health Service Trust (Dissolution) Order 2009	<a href="#">S.I. 2009/750</a>
South London Healthcare National Health Service Trust (Establishment) and the Bromley Hospitals National Health Service Trust, the	<a href="#">S.I. 2009/772</a>

**(19)** The definition of “community health services” was inserted into this Order by [S.I. 2011/57](#).

**(20)** The definition of “community health services” was inserted into this Order by [S.I. 2009/1577](#).

**(21)** The definition of “community health services” was inserted into this Order by [S.I. 2011/2223](#).

**(22)** The definition of “community health services” was inserted into this Order by [S.I. 2010/2461](#).

**(23)** The definition of “community health services” was inserted into this Order by [S.I. 2011/1185](#).

<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
Queen Elizabeth Hospital National Health Service Trust and the Queen Mary's Sidcup National Health Service Trust (Dissolution) Order 2009	
Cambridgeshire Community Services National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/727</a>
Birmingham Community Healthcare National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2460</a>
Central London Community Healthcare National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2462</a>
Eastern and Coastal Kent Community Health National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2463</a>
Hertfordshire Community National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2464</a>
Liverpool Community Health National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2465</a>
Norfolk Community Health and Care National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2466</a>
Ashton, Leigh and Wigan Community Healthcare National Health Service Trust (Establishment) Order 2010	<a href="#">S.I. 2010/2485</a>
Derbyshire Community Health Services National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/798</a>
Hounslow and Richmond Community Healthcare National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/799</a>
Leeds Community Healthcare National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/800</a>
Lincolnshire Community Health Services National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/802</a>
Solent National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/804</a>
Wirral Community National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/805</a>
Shropshire Community Health National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/1519</a>

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<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
Worcestershire Health and Care National Health Service Trust (Establishment) and the Worcestershire Mental Health Partnership National Health Service Trust (Dissolution) Order 2011	<a href="#">S.I. 2011/1520</a>
Staffordshire and Stoke on Trent Partnership National Health Service Trust (Establishment) Order 2011	<a href="#">S.I. 2011/2007</a>
Isle of Wight National Health Service Trust (Establishment) Order 2012	<a href="#">S.I. 2012/786</a>
Torbay and Southern Devon Health and Care National Health Service Trust (Establishment) Order 2012	<a href="#">S.I. 2012/788</a>
Barts National Health Service Trust (Establishment) and the Barts and The London National Health Service Trust, the Newham University Hospital National Health Service Trust and the Whipps Cross University Hospital National Health Service Trust (Dissolution) Order 2012	<a href="#">S.I. 2012/796</a>

## SCHEDULE 2

Article 2(2)

<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
Royal Free Hampstead National Health Service Trust (Establishment) Order 1990	<a href="#">S.I. 1990/2435</a>
St Helens and Knowsley Hospital Services National Health Service Trust (Establishment) Order 1990(24)	<a href="#">S.I. 1990/2446</a>
Weston Area National Health Service Trust (Establishment) Order 1990	<a href="#">S.I. 1990/2455</a>
Northern Devon Healthcare National Health Service Trust (Establishment) Order 1991	<a href="#">S.I. 1991/109</a>
Bath Mental Health Care National Health Service Trust (Establishment) Order 1991	<a href="#">S.I. 1991/2328</a>
Mid Essex Hospital Services National Health Service Trust (Establishment) Order 1991	<a href="#">S.I. 1991/2370</a>
Royal United Hospital, Bath, National Health Service Trust (Establishment) Order 1991	<a href="#">S.I. 1991/2392</a>

(24) The definition of “community health services” was inserted into this Order by [S.I. 1999/632](#).

<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
East Cheshire National Health Service Trust (Establishment) Order 1992	<a href="#">S.I. 1992/2461</a>
Southern Derbyshire Mental Health National Health Service Trust (Establishment) Order 1992(25)	<a href="#">S.I. 1992/2473</a>
Walsgrave Hospitals National Health Service Trust (Establishment) Order 1993(26)	<a href="#">S.I. 1993/811</a>
Hinchingbrooke Health Care National Health Service Trust (Establishment) Order 1993	<a href="#">S.I. 1993/823</a>
Plymouth Hospitals National Health Service Trust (Establishment) Order 1993	<a href="#">S.I. 1993/2568</a>
North Staffordshire Combined Healthcare National Health Service Trust (Establishment) Order 1993	<a href="#">S.I. 1993/2635</a>
Royal West Sussex National Health Service Trust (Establishment) Order 1994	<a href="#">S.I. 1994/166</a>
Pathfinder National Health Service Trust (Establishment) Order 1994	<a href="#">S.I. 1994/3178</a>
London Ambulance Service National Health Service Trust (Establishment) Order 1996(27)	<a href="#">S.I. 1996/90</a>
Surrey and Sussex Healthcare National Health Service Trust (Establishment) Order 1998	<a href="#">S.I. 1998/651</a>
Leicestershire and Rutland Healthcare National Health Service Trust (Establishment) Order 1998	<a href="#">S.I. 1998/3069</a>
Carmarthenshire National Health Service Trust (Establishment) Order 1998	<a href="#">S.I. 1998/3316</a>
North Bristol National Health Service Trust (Establishment) Order 1999	<a href="#">S.I. 1999/625</a>
Epsom and St Helier National Health Service Trust (Establishment) Order 1999	<a href="#">S.I. 1999/848</a>
University Hospitals of Leicester National Health Service Trust (Establishment) Order 1999	<a href="#">S.I. 1999/2921</a>
Maidstone and Tunbridge Wells National Health Service Trust (Establishment) Order 2000	<a href="#">S.I. 2000/237</a>
East and North Hertfordshire National Health Service Trust (Establishment) Order 2000	<a href="#">S.I. 2000/535</a>

(25) The definition of “community health services” was inserted into this Order by [S.I. 2001/1606](#).

(26) The definition of “community health services” was inserted into this Order by [S.I. 2000/2886](#).

(27) The definition of “community health services” was inserted into this Order by [S.I. 2006/1628](#).

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<i>Name of National Health Service Trust establishment Order</i>	<i>Statutory instrument number</i>
West London Mental Health National Health Service Trust (Establishment) Order 2000	<a href="#">S.I. 2000/2562</a>
North and East Devon Partnership National Health Service Trust (Establishment) Order 2001	<a href="#">S.I. 2001/1230</a>
Mersey Care National Health Service Trust (Establishment) Order 2001	<a href="#">S.I. 2001/1888</a>
Bradford District Care Trust (Establishment) and the Bradford Community Health National Health Service Trust (Dissolution) Order 2002	<a href="#">S.I. 2002/1322</a>
Sandwell and West Birmingham Hospitals National Health Service Trust (Establishment) and the City Hospital National Health Service Trust and Sandwell Healthcare National Health Service Trust (Dissolution) Order 2002	<a href="#">S.I. 2002/1364</a>
Shrewsbury and Telford Hospital National Health Service Trust (Establishment) and the Princess Royal Hospital National Health Service Trust and the Royal Shrewsbury Hospitals National Health Service Trust (Dissolution) Order 2003	<a href="#">S.I. 2003/2346</a>
Nottingham University Hospitals National Health Service Trust (Establishment) and the Nottingham City Hospital National Health Service Trust and the Queen's Medical Centre, Nottingham, University Hospital National Health Service Trust (Dissolution) Order 2006	<a href="#">S.I. 2006/782</a>
East of England Ambulance Service National Health Service Trust (Establishment) Order 2006	<a href="#">S.I. 2006/1619</a>
East Midlands Ambulance Service National Health Service Trust (Establishment) Order 2006	<a href="#">S.I. 2006/1620</a>
North West Ambulance Service National Health Service Trust (Establishment) Order 2006	<a href="#">S.I. 2006/1622</a>
West Midlands Ambulance Service National Health Service Trust (Establishment) Order 2006	<a href="#">S.I. 2006/1626</a>
Yorkshire Ambulance Service National Health Service Trust (Establishment) Order 2006	<a href="#">S.I. 2006/1627</a>



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## EXPLANATORY NOTE

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

This Order amends the definition of “community health services” in the establishment Orders of the National Health Service trusts listed in the Schedules to the Order. The definition is relevant for the purposes of the functions of the trusts listed, which include the function of providing community health services for the purposes of the health service. The revised definition reflects the changes in responsibility for provision and commissioning of health services brought about by the Health and Social Care Act 2012 (c. 7) from 1st April 2013.

The definition of community health services currently refers to services which the Secretary of State provides under section 3(1)(d) or (e) of the National Health Service Act 2006 (c. 41) (“the 2006 Act”). This Order updates that reference, so that it refers instead to services whose provision is arranged by clinical commissioning groups under section 3(1)(d) or (e) of the 2006 Act. In addition, it will now include a reference to services of a kind mentioned in section 3(1)(d) or (e) of the 2006 Act, but whose provision must be arranged by the National Health Service Commissioning Board under regulations made under section 3B of the 2006 Act. These regulations are currently the National Health Service Commissioning Board and Clinical Commissioning Groups (Responsibilities and Standing Rules) Regulations 2012 (S.I. 2012/2996), which require the Board to arrange for the provision of community services for serving members of the armed forces and their families. The new definition also includes a reference to services of a kind mentioned in section 3(1)(d) or (e) of the 2006 Act, but which are provided by the Secretary of State or local authorities under section 2B of the 2006 Act.

The current definition of community health services also includes services which the Secretary of State must provide under paragraph 1 or 8 of Schedule 1 to the 2006 Act, or which the Secretary of State may provide under paragraph 2 or 7A of that Schedule. These provisions relate to medical inspection of school pupils, contraceptive services and weighing and measuring of children. These references are updated by this Order so that they refer to the appropriate body (local authorities or the Secretary of State) which has responsibility for them from 1st April 2013.

Article 2(1) and Schedule 1 make the necessary amendments to National Health Service trust establishment Orders which refer to services provided under the 2006 Act. Article 2(2) and Schedule 2 amend such Orders which refer to services provided under that Act’s predecessor, the National Health Service Act 1977 (c. 49).

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.