

**2014 No. 2459**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Pathfinder National Health Service Trust (Establishment)  
(Amendment) Order 2014**

*Made* - - - - *15th September 2014*

*Coming into force* - - *1st October 2014*

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(2) 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 Pathfinder National Health Service Trust (Establishment) (Amendment) Order 2014 and comes into force on 1st October 2014.

(2) In this Order, “the Establishment Order” means the Pathfinder National Health Service Trust (Establishment) Order 1994(c).

**Amendment of article 1 of the Establishment Order**

**2.** In article 1 of the Establishment Order (citation, commencement and interpretation), in paragraph (2) omit the definitions of “the Act” and “operational date”.

**Amendment of article 3 of the Establishment Order**

**3.** For article 3 of the Establishment Order (nature and functions of the trust) and the heading to that article, substitute—

**“Functions of the trust**

**3.** The trust’s functions are to provide goods and services, namely hospital accommodation and services and community health services, for the purposes of the health service.”.

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(a) 2006 c. 41. Section 179(2) of the Health and Social Care Act 2012 (c.7) provides for the repeal of section 25 of the National Health Service Act 2006 (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.  
(c) S.I. 1994/3178, as amended by S.I. 1999/1384 (which changed the name of the trust to South West London and St George’s Mental Health National Health Service Trust) and S.I. 2013/593.

#### **Amendment of article 4 of the Establishment Order**

4. In article 4 of the Establishment Order (directors of the trust)—
- (a) in paragraph (1), for the words “5 non-executive directors” substitute “7 non-executive directors”; and
  - (b) in paragraph (2), for the words “paragraph 3(1)(d) of Schedule 2 to the Act” substitute “paragraph 5(1)(d) of Schedule 4 to the 2006 Act”.

#### **Amendment of article 5 of the Establishment Order**

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

##### **“Accounting date of trust**

5. The accounting date of the trust shall be 31<sup>st</sup> March.”.

#### **Amendment of articles 6 and 7 of the Establishment Order**

6. 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

15th September 2014

#### **EXPLANATORY NOTE**

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

This Order amends the Pathfinder National Health Service Trust (Establishment) Order 1994 (“the Establishment Order”) which established the Pathfinder National Health Service Trust, whose name was changed to the South West London and St George’s Mental Health National Health Service Trust.

Articles 2 and 5 omit the definition and specification of the trust’s “operational date” as the trust is already established. Article 2 also omits the definition of “the Act” as the definition is no longer relevant. Article 3 updates the description of the trust’s functions.

Paragraph (a) of article 4 increases the number of non-executive directors of the trust from five to seven. This is in addition to the chairman. Paragraph (b) updates the legislative reference in respect of the requirement for a non-executive director to be appointed from a university with a medical or dental school, where an NHS trust has a significant teaching commitment.

Article 6 revokes articles 6 and 7 of the Establishment Order as they relate to the period before the operational date and are of no on-going relevance. Article 8 of the Establishment Order has already lapsed as a consequence of the repeal of the enabling provisions of the National Health Service and Community Care Act 1990.

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