

2021 No. 1314

NATIONAL HEALTH SERVICE, ENGLAND

**The West Hertfordshire Hospitals National Health Service Trust
(Establishment) (Amendment) Order 2021**

Made - - - - *24th November 2021*

Coming into force - - *1st December 2021*

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

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

Citation, commencement and extent

1.—(1) This Order may be cited as the West Hertfordshire Hospitals National Health Service Trust (Establishment) (Amendment) Order 2021 and comes into force on 1st December 2021.

(2) In this Order, “the Establishment Order” means the West Hertfordshire Hospitals National Health Service Trust (Establishment) Order 2000(c).

(3) This Order extends to England and Wales and applies in relation to England.

Change of name and savings

2.—(1) For article 1(2) of the Establishment Order (citation, commencement and interpretation) substitute—

“(2) In this Order, “the trust” means the West Hertfordshire Teaching Hospitals NHS Trust.”.

(2) In article 2 of the Establishment Order (establishment and name of trust), for “West Hertfordshire Hospitals National Health Service Trust” substitute “West Hertfordshire Teaching Hospitals NHS Trust”.

(3) The change of name effected by paragraphs (1) and (2) does not—

- (a) affect any right or obligation of any person; or
- (b) invalidate any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the West Hertfordshire Hospitals National Health Service Trust, and all instruments or other documents which refer to that name must be

(a) 2006 c. 41.

(b) S.I. 2010/743, to which there are amendments not relevant to this Order. The prescribed consultation under regulation 2(2) of S.I. 2010/743 is, before making an order under section 25(1) of the 2006 Act in relation to an NHS trust, consultation by the Secretary of State with that NHS trust.

(c) S.I. 2000/732.

construed as referring to the West Hertfordshire Teaching Hospitals National Health Service Trust.

Change to nature and functions of the trust

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

“3. 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.”.

Change of requirements relating to directors

4. For article 4 of the Establishment Order (directors of the trust) substitute—

“4.—(1) The trust shall have, in addition to the chairman, 5 executive directors and 6 non-executive directors.

(2) Since the trust is to be regarded as having a significant teaching commitment within the meaning of paragraph 5(1)(d) of Schedule 4 to the National Health Service Act 2006, one of the non-executive directors must be appointed from University College London.”.

Removal of specification of “operational date”

5. 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 the trust

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

Revocation of expired provisions

6. Article 6 (limited functions before operational date) and article 7 (assistance by health authorities before operational date) of the Establishment Order are revoked.

Signed by the authority of the Secretary of State for Health and Social Care.

24th November 2021

Edward Argar
Minister of State,
Department of Health and Social Care

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the West Hertfordshire Hospitals National Health Service Trust (Establishment) Order 2000 (“the Establishment Order”), which established the West Hertfordshire Hospitals National Health Service Trust.

Article 2 changes the name of the trust to the West Hertfordshire Teaching Hospitals NHS Trust.

Article 3 sets out the nature and functions of the trust as being to provide hospital accommodation and services and community health services. It removes reference to section 5(1) of the National Health Service and Community Care Act 1990 (which has been repealed) and removes 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, in addition to the chairman, that the trust must have from 5 to 6. It also requires one of these non-executives directors to be appointed from University College London.

Article 5 omits the specification of the trust’s “operational date” as it is of no on-going relevance.

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.

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

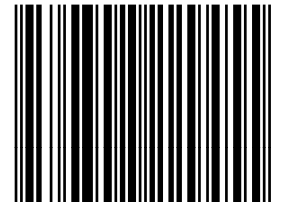
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