

**2011 No. 2223**

**NATIONAL HEALTH SERVICE, ENGLAND**

The 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) Amendment  
Order 2011

*Made* - - - - *7th September 2011*

*Coming into force* - - *1st October 2011*

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 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 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) Amendment Order 2011 and shall come into force on 1st October 2011.

(2) In this Order—

“the Establishment Order” means the 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(c);

“the trust” means the NHS trust established by the Establishment Order.

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

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

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

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

(b) for the definition of “community health services” substitute—

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(a) 2006 c.41.  
(b) See S.I. 2010/743.  
(c) S.I. 2002/2073.

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

(c) omit the definition of “operational date”.

### **Substitution of article 3 of the Establishment Order**

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

#### **“Nature and functions of the trust**

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.”.

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

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

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

5. For article 5 of the Establishment Order (operational and accounting dates of the trust) substitute—

#### **“Accounting date of the trust**

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

### **Revocation 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 from health authority before operational date).

Signed by authority of the Secretary of State for Health.

7th September 2011

*Simon Burns*  
Minister of State,  
Department of Health

### **EXPLANATORY NOTE**

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

This Order amends the 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 (“the Establishment Order”), which established the East Lancashire Hospitals National Health Service Trust.

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(a) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14) and amended by S.I. 2010/1158 which also amended paragraphs 1 and 2 of that Schedule.

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 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 the trust has, from 5 to 6.

Article 5 specifies the trust's accounting date. It removes reference to the trust's operational date as the trust has assumed all its functions.

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 ongoing relevance.

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