

**2010 No. 2229**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The South Downs Health National Health Service Trust  
(Establishment) Amendment Order 2010**

*Made* - - - - - *6th September 2010*

*Coming into force* - - - - - *1st October 2010*

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 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 South Downs Health National Health Service Trust (Establishment) Amendment Order 2010 and shall come into force on 1st October 2010.

(2) In this Order—

“the Establishment Order” means the South Downs Health National Health Service Trust (Establishment) Order 1991(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 and interpretation), 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—

““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(d) of that Schedule;”;

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

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(a) 2006 c.41.

(b) See S.I. 2010/743.

(c) S.I. 1991/2401, amended by S.I. 1999/1052.

(d) Paragraph 7A was inserted by section 143 of the Health and Social Care Act 2008 (c.14).

### **Change of name of trust and transitional provision**

3.—(1) The trust shall be called the Sussex Community National Health Service Trust instead of the South Downs Health National Health Service Trust.

(2) Accordingly in article 1(2) of the Establishment Order in the definition of “the trust”, and in article 2 of the Establishment Order (establishment of the trust), for “South Downs Health” substitute “Sussex Community”.

(3) The change of name effected by paragraph (1) shall not—

(a) affect any right or obligation of any person; or

(b) be taken as invalidating any instrument (whether made before, on or after the day on which this Order comes into force) which refers to the trust by its previous name,

and all instruments and other documents which refer to the trust under its previous name shall be construed as referring to it under its new name.

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

4. 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.”.

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

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

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

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

### **Revocation of articles 6, 7 and 8 of the Establishment Order**

6. The following articles of the Establishment Order are revoked, insofar as they are still in force—

(a) article 6 (limited functions before operational date);

(b) article 7 (assistance by health authorities before operational date); and

(c) article 8 (restriction on disposal of assets).

Signed by authority of the Secretary of State for Health.

6th September 2010

*Simon Burns*  
Minister of State,  
Department of Health

### **EXPLANATORY NOTE**

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

This Order amends the South Downs Health National Health Service Trust (Establishment) Order 1991 (“the Establishment Order”), which established the South Downs Health National Health Service Trust.

Article 3 changes the name of the trust from South Downs Health National Health Service Trust to Sussex Community National Health Service Trust.

Article 4 sets out the nature and functions of the trust so that the trust can provide hospital accommodation and services and community care 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 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, 7 and 8 of the Establishment Order, in so far as they are still in force. Articles 6 and 7 relate to the period before the operational date and are of no ongoing relevance. Article 8 specifies a sum for the purposes of a provision of the National Health Service and Community Care Act 1990 which has been repealed.

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STATUTORY INSTRUMENTS

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£4.00