

2002 No. 2233

NATIONAL HEALTH SERVICE, ENGLAND

**The Witham, Braintree and Halstead Care Trust
(Establishment) Order 2002**

Made - - - - - *29th August 2002*

Coming into force - - - *1st September 2002*

The Secretary of State for Health, in the exercise of the powers conferred on him by sections 16A(1), (2), (3) and 126(4) of, and paragraphs 1 and 2 of Schedule 5A to, the National Health Service Act 1977(a), section 45(5) of the Health and Social Care Act 2001(b), and all other powers enabling him in that behalf, following compliance with the consultation requirements contained in regulations made under section 16A(4) of the National Health Service Act 1977(c), hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Witham, Braintree and Halstead Care Trust (Establishment) Order 2002 and shall come into force on 1 September 2002.

(2) In this Order—

“the Act” means the National Health Service Act 1977;

“operational date” is to be construed in accordance with paragraph 1(2) of Schedule 5A to the Act;

“preparatory period” is to be construed in accordance with paragraph 2(2) of Schedule 5A to the Act;

“the Authority” means the Essex Health Authority;

“the trust” means the Witham, Braintree and Halstead Care Trust established by article 2 of this Order.

Establishment, designation, and operational date of the Primary Care Trust

2.—(1) There is established a Primary Care Trust to be called the Witham, Braintree and Halstead Primary Care Trust.

(2) The trust shall be designated as a Care Trust pursuant to section 45(5) of the Health and Social Care Act 2001.

(3) The operational date of the trust shall be 1 October 2002.

Area of the trust

3. The trust shall be established for the area specified in the Schedule to this Order.

(a) 1977 c. 49: section 16A was inserted by the Health Act 1999 (c. 8) (“the 1999 Act”), section 2(1), Section 126(4) was amended by the National Health Service and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 65(2) and by the 1999 Act, Schedule 4, paragraph 37(6); Schedule 5A was inserted by the 1999 Act, Schedule 1.

(b) c. 15.

(c) See S.I. 1999/2337.

Limitations on the exercise of functions by the trust during the preparatory period

4. During the preparatory period the exercise of functions by the trust shall be limited to doing such things as are reasonably necessary to enable it to carry out its functions with effect from the operational date, including—

- (a) entering into National Health Service contracts; and
- (b) entering into other contracts including contracts of employment.

Assistance during the preparatory period

5.—(1) The Authority shall meet the costs of the trust performing its functions during the preparatory period by discharging such of the liabilities of the trust which it has reasonably incurred during that period for the purpose of enabling it to carry out its functions with effect from the operational date and which do not in aggregate exceed such amount as may be notified by the Authority to the trust, including—

- (a) liability for the remuneration and travelling or other allowances of the chairman and members of the trust;
 - (b) liability for the travelling or other allowances of the members of committees and sub-committees of the trust who are not also members of the trust;
 - (c) liability for the remuneration of officers of the trust.
- (2) The Authority shall make available to the trust during the preparatory period—
- (a) premises and other facilities of the Authority; and
 - (b) officers of the Authority.

Signed by authority of the Secretary of State.

29th August 2002

Hunt
Parliamentary Under Secretary of State,
Department of Health

SCHEDULE

Article 3

Area of Trust

In the district of Braintree—
the electoral wards of—

Stour Valley North Ward
Stour Valley Central Ward
Stour Valley South Ward
Yeldham Ward
Upper Colne Ward
Castle Hedingham Ward
Sible Hedingham Ward
Three Fields Ward
Panfield Ward
Rayne Ward
Gosfield Ward
Colne Engaine & Greenstead Green Ward
Earls Colne Ward
Coggeshall Ward
Kelvedon Ward
Silver End & Rivenhall Ward
Terling Ward
Cressing Ward
Black Notley Ward
Witham North Ward
Witham Chipping Hill Ward
Witham West Ward
Witham Central Ward
Witham South Ward
Halstead Andrews Ward
Halstead Trinity Ward
Bocking North Ward
Bocking South Ward
Braintree East Ward
Braintree Central Ward
Braintree West Ward
In the borough of Chelmsford—
the electoral wards of—
Pleshey Ward
Great Waltham Ward
Little Waltham Ward
Little Leighs Ward
Great Leighs Ward

EXPLANATORY NOTE

(This note is not part of the Order)

This Order establishes the Witham, Braintree and Halstead Care Trust (“the trust”), a Primary Care Trust under section 16A of the National Health Service Act 1977. The trust is designated as a Care Trust under section 45 of the Health and Social Care Act 2001.

It specifies the trust’s operational date (article 2), the area for which it is established (article 3 and the Schedule), and limitations on the exercise of its functions during its preparatory period (article 4). It also makes provision for assistance to the trust during its preparatory period (article 5).

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