

2007 No. 1766

NATIONAL HEALTH SERVICE, ENGLAND

**The NHS Foundation Trusts (Trust Funds: Appointment of Trustees)
Order 2007**

Made - - - - - *20th June 2007*

Coming into force - - - - - *5th July 2007*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 51(1) and (2) and 64(5) and (6) of the National Health Service Act 2006(a):

Citation, commencement and interpretation

1.—(1) This Order may be cited as the NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Order 2007 and comes into force on 5th July 2007.

(2) In this Order—

“the Commission” means the Appointments Commission(b);

“foundation trust” means an NHS foundation trust specified in the Schedule to this Order.

Appointment of trustees

2.—(1) The Commission must appoint trustees for each foundation trust to hold property on trust—

(a) for the purposes of that foundation trust; or

(b) for any purposes relating to the health service.

(2) The appointment of any such trustee is to be for such period, not exceeding 4 years, as the Commission may specify on making the appointment.

Termination and suspension of appointment

3. Where the Commission is of the opinion that it is not in the interests of a foundation trust or the health service that a trustee for the foundation trust should continue to hold that office, the Commission may terminate the appointment and, pending its decision, may suspend any such trustee from such office.

Transitional

4.—(1) This paragraph applies to any person who, immediately before this Order comes into force, held office as a trustee for a foundation trust by virtue of an appointment made under any of the Orders mentioned in article 5 or 6(c).

(a) 2006 c.41.

(b) The Appointments Commission was established by section 57 of the Health Act 2006 (c.28).

(c) The Orders mentioned in articles 5(b) and 6 provided for the appointment of trustees for certain National Health Service trusts which subsequently became authorised as NHS foundation trusts specified in the Schedule. Under section 51(4) of the National Health Service Act 2006, the Orders have effect in relation to those trusts as orders providing for the appointment of trustees for NHS foundation trusts.

(2) A person to whom paragraph (1) applies is to continue to hold office as a trustee for the foundation trust, and this Order is to apply to him, as if he had been appointed as a trustee for the foundation trust under this Order for the period specified on his appointment.

Revocation

5. The following orders are revoked—

- (a) the Cambridge University Hospitals National Health Service Foundation Trust (Trust Funds: Appointment of Trustees) Order 2004(a);
- (b) the Chelsea and Westminster Healthcare National Health Service Trust (Trust Funds: Appointment of Trustees) Order 2005(b).

Amendment of Orders

6. The Schedule to the National Health Service Trusts (Trust Funds: Appointment of Trustees) Order 2000(c) is amended by omitting the following entries—

- The Birmingham Children's Hospital National Health Service Trust
- The Guy's and St Thomas' National Health Service Trust
- The King's Healthcare National Health Service Trust
- The Newcastle upon Tyne Hospitals National Health Service Trust
- The Sheffield Children's Hospital National Health Service Trust
- The Sheffield Teaching Hospitals National Health Service Trust
- The University College London Hospitals National Health Service Trust
- The University Hospital Birmingham National Health Service Trust.

Signed by authority of the Secretary of State for Health

20th June 2007

Andy Burnham
Minister of Health
Department of Health

(a) S.I. 2004/2517.
(b) S.I. 2005/1115.
(c) S.I. 2000/212, amended by S.I. 2000/3116.

THE SCHEDULE

Articles 1(2) and 2(1)

NHS FOUNDATION TRUSTS FOR WHICH TRUSTEES ARE TO BE APPOINTED

Birmingham Children's Hospital NHS Foundation Trust

Cambridge University Hospitals NHS Foundation Trust

Chelsea and Westminster Hospital NHS Foundation Trust

Guy's and St Thomas's NHS Foundation Trust

King's College Hospital NHS Foundation Trust

Sheffield Children's NHS Foundation Trust

Sheffield Teaching Hospitals NHS Foundation Trust

The Newcastle upon Tyne Hospitals NHS Foundation Trust

University College London Hospitals NHS Foundation Trust

University Hospital Birmingham NHS Foundation Trust

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the Appointments Commission to appoint trustees for the NHS foundation trusts specified in the Schedule. Under section 51 of the National Health Service Act 2006, such trustees may hold trust property for the purposes of the foundation trust or for any other purpose relating to the National Health Service. The Order also provides for the removal of trustees from office.

The Order revokes or amends certain Orders which provided for the appointment of trustees for NHS foundation trusts specified in the Schedule, including certain National Health Service trusts which became authorised as NHS foundation trusts after those Orders were made. The Order also makes transitional provision for trustees appointed under those Orders.

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