

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Trust Development Authority Directions 2012

The Secretary of State, in exercise of the powers conferred by sections 7(1), 8(1) and 272(7) and (8) of the National Health Service Act 2006(a) gives the following Directions.

Citation, commencement and interpretation

1.—(1) These Directions may be cited as the National Health Service Trust Development Authority Directions 2012.

(2) These Directions come into force on 1st June 2012.

(3) These Directions are given to the National Health Service Trust Development Authority established by the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012(b).

(4) In these Directions—

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

“the Authority” means the National Health Service Trust Development Authority;

“English NHS trust” means an NHS trust all or most of whose hospitals, facilities and establishments are situated in England;

“non-officer member” means—

(a) in relation to a Strategic Health Authority, a member of that Strategic Health Authority, who is not an officer of that Strategic Health Authority, including the chair;

(b) in relation to a Primary Care Trust, a member of that Primary Care Trust, who is not an officer of that Primary Care Trust and who is not to be treated as an officer of that Primary Care Trust by virtue of regulation 1(3) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(c), including the chair;

“special trustees” has the meaning given in section 212(1) of the Act;

“the Order” means the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012.

Functions of the Authority

2.—(1) The Secretary of State directs the Authority to take such steps as it considers necessary and appropriate, liaising and working with the Department of Health, to—

(a) design methods to be used by the Authority from 1st October 2012, and develop and publish guidance, in connection with the Authority from that date—

(i) making appointments of the chair and non-executive directors of English NHS trusts, special trustees and trustees for English NHS trusts(d) and NHS foundation trusts(e); and

(a) 2006 c. 41. By virtue of section 271(1) of the Act the powers conferred on the Secretary of State by those sections are exercisable only in relation to England.

(b) S.I. 2012/901.

(c) S.I. 2000/89, to which there are no relevant amendments.

(d) See section 25 of the Act. Trustees are appointed for an NHS trust to hold property on trust pursuant to paragraph 10 of Schedule 4 to the Act.

(e) See section 30 of the Act. Trustees are appointed for an NHS foundation trust to hold property on trust pursuant to section 51 of the Act.

(ii) managing the process for recruiting, and supporting the Secretary of State in appointing, the non-officer members of Strategic Health Authorities(a) and Primary Care Trusts(b);

(b) design methods to be used by the Authority from 1st April 2013, and develop and publish guidance, in connection with the Authority managing and developing performance of, and supporting improvements in, English NHS trusts from that date.

(2) The reference in paragraphs (1)(a) and (b) to developing and publishing guidance is to be read as guidance to English NHS trusts, special trustees and trustees for English NHS trusts and NHS Foundation Trusts, Strategic Health Authorities and Primary Care Trusts.

(3) The reference in paragraph (1)(a)(ii) to managing the process for recruiting, and supporting the Secretary of State in appointing, the non-officer members of Strategic Health Authorities and Primary Care Trusts is not to be read as including the making of such appointments to such bodies.

Exercise of functions

3. In exercising the functions set out in direction 2, the Authority is to have regard to any guidance issued by the Secretary of State from time to time to the Authority.

Arrangements for the exercise of functions

4. Pursuant to regulation 11 of the National Health Service Trust Development Authority Regulations 2012(c), the Secretary of State directs that the role of Accounting Officer of the Authority is to be performed by the Chief Executive of the Authority.

Signed by authority of the Secretary of State for Health



Name
Member of the Senior Civil Service
Department of Health

Date 28 May 2012

(a) See section 13 of the Act.
(b) See section 18 of the Act.
(c) S.I. 2012/922.