

## SCHEDULES

### SCHEDULE 2

#### NATIONAL HEALTH SERVICE TRUSTS

##### PART I

##### ORDERS UNDER SECTION 5(1)

- 3 (1) Without prejudice to any amendment made by a subsequent order, the first order to be made in relation to any NHS trust shall specify—
- (a) the name of the trust;
  - (b) the functions of the trust;
  - (c) the number of executive directors and non-executive directors;
  - (d) where the trust is to be regarded as having a significant teaching commitment, a provision to secure the inclusion in the non-executive directors referred to in paragraph (c) above of a person appointed from a university with a medical or dental school specified in the order;
  - (e) the operational date of the trust, that is to say, the date on which the trust is to begin to undertake the whole of the functions conferred on it; and
  - (f) if a scheme is to be made under section 6 of this Act, the health authority which is to make the scheme.
- (2) For the purposes of sub-paragraph (1)(d) above, an NHS trust is to be regarded as having a significant teaching commitment in the following cases—
- (a) if the trust is established to assume responsibility for the ownership and management of a hospital or other establishment or facility which, in the opinion of the Secretary of State, has a significant teaching and research commitment; and
  - (b) in any other case, if the Secretary of State so provides in the order.
- (3) In a case where the order contains a provision made by virtue of sub-paragraph (1)(d) above and a person who is being considered for appointment by virtue of that provision—
- (a) is employed by the university in question, and
  - (b) would also, apart from this sub-paragraph, be regarded as employed by the trust,
- his employment by the trust shall be disregarded in determining whether, if appointed, he will be a non-executive director of the trust.
- (4) An order shall specify the accounting date of the trust.