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STATUTORY INSTRUMENTS

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**2013 No. 647**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health Education England (Establishment  
and Constitution) Amendment Order 2013**

<i>Made</i>	- - - -	<i>18th March 2013</i>
<i>Laid before Parliament</i>		<i>21st March 2013</i>
<i>Coming into force</i>	- -	<i>1st May 2013</i>

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 28(1), (2) and (4)(a) and (b), 272(7) and 273(1) of the National Health Service Act 2006<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Health Education England (Establishment and Constitution) Amendment Order 2013 and comes into force on 1st May 2013.

(2) In this Order, “the Establishment Order” means the Health Education England (Establishment and Constitution) Order 2012<sup>(2)</sup>.

**Amendment of the Establishment Order**

2.—(1) The Establishment Order is amended as follows.

(2) In paragraph (1)(b) of article 4 (constitution of HEE), for “5 members” substitute “6 members”.

(3) After article 5 (transfer of officers to HEE), insert the following article—

**“Transfer of property**

5A.—(1) The property of the Derby Hospitals NHS Foundation Trust<sup>(3)</sup> identified as property to transfer to HEE in the document entitled “Derby Hospitals NHS Foundation Trust Property to Transfer to the Health Education England Schedule 2013”<sup>(4)</sup> and signed on behalf of the Derby Hospitals NHS Foundation Trust on 7th March 2013, and on behalf of HEE on

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(1) 2006 c. 41. The powers exercised in making this Order are exercisable by the Secretary of State only in relation to England, by virtue of section 271(1) of the National Health Service Act 2006.  
(2) S.I. 2012/1273.  
(3) Authorised as an NHS foundation trust with effect from 1st July 2004.  
(4) Copies of the Schedule can be obtained on request from the Department of Health, Quarry House, Quarry Hill, Leeds LS2 7UE.

13th March 2013, and all liabilities relating to that property, are to be transferred to HEE on the transfer date.

(2) Any right relating to the property listed in the document referred to in paragraph (1) that was immediately before the transfer date enforceable by or against the Derby Hospitals NHS Foundation Trust is, on or after the transfer date, to be enforceable by or against HEE.

(3) In this article, “the transfer date” means 1st May 2013.”.

Signed by the authority of the Secretary of State for Health.

18th March 2013

*Dr Dan Poulter*  
Parliamentary Under-Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

This Order amends the Health Education England (Establishment and Constitution) Order 2012 (“the Establishment Order”), which established Health Education England (“HEE”).

It amends article 4 of the Establishment Order to enable HEE to have up to 6 (rather than 5) non-officer members in addition to the chairman.

It also amends the Establishment Order to provide for the transfer to HEE of specified property and liabilities from the Derby Hospitals NHS Foundation Trust on 1st May 2013.