

Ref: FOI/GS/ID 7678 follow-up

**Please reply to:**  
FOI Administrator  
Trust Management  
Maidstone Hospital  
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Maidstone, Kent  
ME16 9QQ  
Email: mtw-tr.foiadmin@nhs.net

23 August 2022

## **Freedom of Information Act 2000**

Thank you for your request for further information relating to your FOI request reference FOI/GS/ID 7678 and the information disclosed.

*You asked:*

*As an artificial person, a term which defines Maidstone and Tunbridge Wells NHS Trust in law, it must have an internal constitution. In a private limited liability company this would be its Articles of Association. As Maidstone and Tunbridge Wells NHS Trust I would have expected the legal document setting out what it can and cannot do in law to be described as its Deed Of Trust. You have stated in writing that Maidstone and Tunbridge Wells NHS Trust does not have a deed of trust. The obligation is therefore on Maidstone and Tunbridge Wells NHS Trust to stop playing games and to send to me by return the legal documents setting out the internal governance of Maidstone and Tunbridge Wells NHS Trust.*

Trust response:

Maidstone and Tunbridge Wells NHS Trust established as an NHS trust under the provisions of the National Health Service and Community Care Act 1990 which provided powers to the Secretary of Health by section 5(1) and paragraphs 1, 3, 4 and 5 of Schedule 2 of the Act.

The Trust was established as The Maidstone and Tunbridge Wells National Health Service Trust. The establishment order was made on 3 February 2000 and came into force on 14 February 2000.

The Establishment Order is publicly available on the internet at <https://www.legislation.gov.uk/ukxi/2000/237/contents/made>.

The Trust does not have a separate constitution document, but it does have Standing Orders, Standing Financial Instructions and Reservation of Powers

and Scheme of Delegation documents. These are reviewed annually and ratified by the Trust Board, and the latest versions of these three documents are attached to this email.