

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the NHS
(Charitable Trusts Etc) Act 2016, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

SECTION 1: CONSEQUENTIAL AMENDMENTS

National Health Service Act 2006 (c. 41)

1 The National Health Service Act 2006 is amended as follows.

Commencement Information

II Sch. 1 para. 1 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 2 In section 213 (transfers of trust property)—
- (a) in subsection (2)—
 - (i) in paragraph (b) at the beginning insert “ Welsh ”, and
 - (ii) in paragraph (c) omit “the Board or a clinical commissioning group,” and “or an NHS foundation trust”, and
 - (b) in subsection (5) for “ “special trustees” includes” substitute “ “Welsh special trustees” means ”.

Commencement Information

I2 Sch. 1 para. 2 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 3 In section 214 (transfer of functions and property to and from special trustees)—
- (a) in the heading of the section after “from” insert “ Welsh ”,
 - (b) in subsections (1) to (3) for “special trustees”, in each place, substitute “ Welsh special trustees ”,
 - (c) in subsection (3)(a) omit “the Board or a clinical commissioning group,” and “or an NHS foundation trust”, and
 - (d) in subsection (6) for “ “Special trustees” includes” substitute “ “Welsh special trustees” means ”.

Commencement Information

I3 Sch. 1 para. 3 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 4 In section 215 (trustees and property under section 222)—
- (a) omit subsections (1) and (2),
 - (b) in subsection (3)—
 - (i) omit paragraphs (za), (zb) and (c) (and the “or” before paragraph (c)), and
 - ^{F1}(ii)

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- (c) in subsection (4) omit the following—
- (i) “Board, clinical commissioning group,” in both places, and
 - (ii) “or NHS foundation trust” in both places.

Textual Amendments

- F1** Sch. 1 para. 4(b)(ii) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 31\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

Commencement Information

- I4** Sch. 1 para. 4(a)(b)(i)(c) in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 5 In section 217 (trusts: supplementary provisions) in subsection (1)—
- (a) omit paragraphs (a), (ea) and (eb),
 - (b) in paragraph (b) for “212 to” substitute “ 213 and ”, and
 - (c) in paragraph (i) for “paragraphs 8 and 9” substitute “ paragraph 8 ”.

Commencement Information

- I5** Sch. 1 para. 5 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 6 In section 218 (private trusts for hospitals)—
- (a) in subsection (4)—
 - (i) in paragraph (a) after “where” insert “ Welsh ”, and
 - (ii) in paragraph (b) omit “an NHS foundation trust”, and
 - (b) in subsection (6) in the definition of “special trustees” for “ “special trustees” includes” substitute “ “Welsh special trustees” means ”.

Commencement Information

- I6** Sch. 1 para. 6 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 7 In section 220 (trust property previously held for general hospital purposes) omit subsection (6).

Commencement Information

- I7** Sch. 1 para. 7 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 8 In section 226 (financial duties of Special Health Authorities) in subsection (4)(a) omit the words from “or on” to the end.

Commencement Information

- I8** Sch. 1 para. 8 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 9 In section 276 (index of defined expressions) omit the entry relating to special trustees.

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I9 Sch. 1 para. 9 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

10 In Schedule 15 (accounts and audit) omit paragraph 1(1)(f).

Commencement Information

I10 Sch. 1 para. 10 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

National Health Service (Wales) Act 2006 (c. 42)

11 The National Health Service (Wales) Act 2006 is amended as follows.

Commencement Information

I11 Sch. 1 para. 11 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

12 In section 161 (transfers of trust property)—
(a) in subsection (2)(c) omit—
(i) the words from “the National” to “group,”, and
(ii) “or an NHS foundation trust”, and
(b) omit subsection (5).

Commencement Information

I12 Sch. 1 para. 12 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

13 In section 162 (transfer of functions and property to or from special trustees)—
(a) in subsection (3)(a) omit—
(i) the words from “the National” to “group,”, and
(ii) “or an NHS foundation trust”, and
(b) omit subsection (6).

Commencement Information

I13 Sch. 1 para. 13 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

PROSPECTIVE

^{F2}14

Textual Amendments

F2 Sch. 1 para. 14 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(3); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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Charities Act 2011 (c. 25)

- 15 In section 149(7) of the Charities Act 2011 (meaning of “English NHS charity”) omit paragraphs (bc) and (bd).

Commencement Information

I14 Sch. 1 para. 15 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

Health and Social Care Act 2012 (c. 7)

- 16 In the Health and Social Care Act 2012—
- (a) in Schedule 4 (amendments of the National Health Service Act 2006) omit paragraphs 109(a), 110(3)(a), 111(3)(a) and 113(a), and
 - (b) in Schedule 21 (amendments relating to relationships between the health services) omit paragraphs 34(a) and 35(3)(a).

Commencement Information

I15 Sch. 1 para. 16 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

Local Audit and Accountability Act 2014 (c. 2)

- 17 The Local Audit and Accountability Act 2014 is amended as follows.

Commencement Information

I16 Sch. 1 para. 17 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 18 Omit the following (which relate to special trustees for hospitals in England)—
- (a) section 3(9)(b),
 - (b) section 4(5),
 - (c) section 8(4)(c),
 - (d) section 10(10)(c),
 - (e) section 21(3),
 - ^{F3}(f)
 - (g) the definition of “special trustees for a hospital” in section 44(1),
 - ^{F4}(h)
 - (i) paragraph 24 of Schedule 2 (and the note to that paragraph), and
 - (j) paragraph 4(8)(c) of Schedule 7.

Textual Amendments

F3 Sch. 1 para. 18(f) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(4); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F4 Sch. 1 para. 18(h) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(4); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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I17 Sch. 1 paras. 18(a)-(e)(g)(i)(j) in force at 17.6.2021 by [S.I. 2021/712](#), **reg. 3(c)**

PROSPECTIVE

F5 19

Textual Amendments

F5 [Sch. 1 para. 19](#) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 7 para. 31(5)**; [S.I. 2022/734](#), **reg. 2(a)**, [Sch.](#) (with [regs. 13, 29, 30](#))

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