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*Changes to legislation:* There are currently no known outstanding effects for the Health Authorities Act 1995, Paragraph 5. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 2

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *Property, rights and liabilities of RHAs, DHAs, FHSAs and SHAs*

- 5 (1) Where an order made under paragraph 2, 3 or 4 transfers—
- (a) land held on lease from a third party, or
  - (b) any other asset leased or hired from a third party or in which a third party has an interest,
- the transfer shall be binding on the third party even if, apart from this sub-paragraph, it would have required his consent or concurrence; and the order may contain such provisions as appear appropriate to safeguard the interests of the third party, including (where appropriate) provision for the payment of compensation of an amount to be determined in accordance with the order.
- (2) Stamp duty is not chargeable in respect of any transfer effected by or by virtue of any of paragraphs 1 to 4.
- [<sup>F1</sup>(2A) For the purposes of stamp duty land tax a land transaction effected by virtue of paragraph 2 is exempt from charge.
- (2B) Relief under sub-paragraph (2A) must be claimed in a land transaction return or an amendment of such a return.
- (2C) In this paragraph—
- “land transaction” has the meaning given in section 43(1) of the Finance Act 2003;
  - “land transaction return” has the meaning given by section 76(1) of that Act.]

[<sup>F2</sup>(3) The references in sections 216 and 220(1) of the National Health Service Act 2006, and in sections 164 and 167(1) of the National Health Service (Wales) Act 2006 to section 92 of the National Health Service Act 1977 include references to paragraphs 3 and 4 of this Schedule.

(4) The reference in section 220(3) of the National Health Service Act 2006 to Part 11 of that Act includes a reference to paragraphs 3 and 4 of this Schedule, and the reference in section 167(3) of the National Health Service (Wales) Act 2006 to Part 11 of that Act includes a reference to those paragraphs.

(5) In section 222(12) of the National Health Service Act 2006, the reference to section 213 of that Act includes a reference to paragraphs 3 and 4 of this Schedule.

(6) In section 169(12) of the National Health Service (Wales) Act 2006, the reference to section 161 of that Act includes a reference to paragraphs 3 and 4 of this Schedule.]

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**Textual Amendments**

- F1** Sch. 2 para. 5(2A)-(2C) inserted (1.12.2003) by [The Stamp Duty Land Tax \(Consequential Amendment of Enactments\) Regulations 2003 \(S.I. 2003/2867\)](#), reg. 1, **Sch. para. 23**
- F2** Sch. 2 para. 5(3)-(6) substituted for Sch. 2 para. 5(3) (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 1 para. 176(b)** (with Sch. 3 Pt. 1)

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