

SCHEDULES

SCHEDULE 3

Section 56

NEW SCHEDULE 12B TO 1977 ACT

“SCHEDULE 12B

ACCOUNTS AND AUDIT

English and cross-border NHS bodies

- 1 (1) The following are English NHS bodies for the purposes of this Schedule—
- (a) any Strategic Health Authority;
 - (b) any Special Health Authority performing functions only or mainly in respect of England;
 - (c) any Primary Care Trust;
 - (d) any NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
 - (e) any trustees for such an NHS trust appointed in pursuance of section 11 of the National Health Service and Community Care Act 1990 (c. 19);
 - (f) any special trustees appointed, in pursuance of section 29(1) of the National Health Service Reorganisation Act 1973 (c. 32) and section 95(1) of this Act, for a trust all or most of whose hospitals, establishments and facilities are situated in England;
 - (g) any trustees for a Primary Care Trust appointed in pursuance of section 96B of this Act.
- (2) For the purposes of this Schedule a cross-border SHA is a Special Health Authority which neither—
- (a) performs functions only or mainly in respect of England, nor
 - (b) performs functions only or mainly in respect of Wales.

Welsh NHS bodies

- 2 The following are Welsh NHS bodies for the purposes of this Schedule—
- (a) any Special Health Authority performing functions only or mainly in respect of Wales;
 - (b) any Local Health Board;
 - (c) any NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales;
 - (d) any trustees for such an NHS trust appointed as mentioned in paragraph 1(1)(e);
 - (e) any special trustees appointed as mentioned in paragraph 1(1)(f) for a trust all or most of whose hospitals, establishments and facilities are situated in Wales.

Status: This is the original version (as it was originally enacted).

Accounts to be kept by NHS bodies

- 3
- (1) Each English NHS body or cross-border SHA must keep proper accounts and proper records in relation to the accounts.
 - (2) If the Secretary of State so directs with the approval of the Treasury, the accounts of any such body of a description specified in the direction must be kept in such form as is so specified.
 - (3) Each Welsh NHS body must keep proper accounts and proper records in relation to the accounts.
 - (4) If the Assembly so directs with the approval of the Treasury, the accounts of any such body of a description specified in the direction must be kept in such form as is so specified.
 - (5) This paragraph has effect subject to the exception in paragraph 10(2).

Preparation of annual accounts

- 4
- (1) Each English NHS body or cross-border SHA must prepare in respect of each financial year annual accounts in such form as the Secretary of State may direct with the approval of the Treasury.

This is subject to the exception in paragraph 10(3).
 - (2) Each Welsh NHS body must prepare in respect of each financial year annual accounts in such form as the Assembly may direct with the approval of the Treasury.

This is subject to the exception in paragraph 10(3).

Auditing of accounts of certain English NHS bodies

- 5
- (1) This paragraph applies to any English NHS body that is not a Special Health Authority (as to which, see paragraph 7).
 - (2) Any annual accounts prepared by any such body under paragraph 4 are to be audited in accordance with the Audit Commission Act 1998 (c. 18) by an auditor or auditors appointed by the Audit Commission (see section 2(1)(b) of that Act).
 - (3) The Comptroller and Auditor General may examine—
 - (a) any such accounts and any records relating to them, and
 - (b) any report on them by the auditor or auditors.
 - (4) In this paragraph “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

Transmission of annual accounts

- 6
- (1) Each English NHS body to which paragraph 5 applies must send a copy of any accounts of the body audited as mentioned in paragraph 5(2) to the Secretary of State by the specified date.
 - (2) If the body is a Primary Care Trust, it must also send a copy of any such accounts to any Strategic Health Authority whose area includes any part of the Trust’s area.

- (3) Each Special Health Authority that is an English NHS body or cross-border SHA must send copies of any annual accounts prepared by it under paragraph 4—
 - (a) to the Secretary of State by the specified date, and
 - (b) to the Comptroller and Auditor General as soon as is reasonably practicable following the end of the financial year in question.
- (4) In sub-paragraph (1) or (3) “the specified date”, in relation to a financial year, means such date as the Secretary of State may direct in relation to that year for the purposes of that sub-paragraph.
- (5) Section 61(1) of the Public Audit (Wales) Act 2004 (c. 23) (audit of Welsh NHS bodies) makes provision for the annual accounts of Welsh NHS bodies to be submitted to the Auditor General for Wales in order for them to be examined by him.

Auditing of certain Special Health Authority accounts by Comptroller and Auditor General

- 7 (1) This paragraph applies where a Special Health Authority that is an English NHS body or cross-border SHA sends a copy of its annual accounts to the Comptroller and Auditor General under paragraph 6(3).
- (2) The Comptroller and Auditor General must examine, certify and report on the accounts.
- (3) The Authority must lay before both Houses of Parliament—
 - (a) a copy of the accounts, and
 - (b) the Comptroller and Auditor General’s report on them.

Summarised accounts of English NHS bodies other than Special Health Authorities

- 8 (1) This paragraph applies in relation to English NHS bodies that are not Special Health Authorities.
- (2) The Secretary of State must prepare summarised accounts relating to such bodies in respect of each financial year.

This is subject to the exceptions in paragraphs 10(3) and 11(2).
- (3) The summarised accounts must be prepared in such form as the Treasury may direct.
- (4) The Secretary of State must transmit the summarised accounts to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which they relate.
- (5) The Comptroller and Auditor General must —
 - (a) examine and certify the summarised accounts, and
 - (b) lay copies of them and his report on them before both Houses of Parliament.
- (6) This paragraph has effect subject to any provision made under section 14(1) of the Government Resources and Accounts Act 2000 (power to disapply this paragraph in relation to specified bodies and years).

Status: This is the original version (as it was originally enacted).

Summarised accounts of Welsh NHS bodies

- 9 (1) This paragraph applies in relation to Welsh NHS bodies that are not Special Health Authorities.
- (2) The Assembly must prepare summarised accounts relating to such bodies in respect of each financial year.
- This is subject to the exceptions in paragraphs 10(3) and 11(2).
- (3) The summarised accounts must be prepared in such form as the Treasury may direct.
- (4) The Assembly must transmit the summarised accounts to the Auditor General for Wales not later than the end of the month of November following the financial year to which they relate.
- (5) The Auditor General for Wales must —
- (a) examine and certify the summarised accounts, and
 - (b) lay copies of them and his report on them before the Assembly.
- (6) This paragraph has effect subject to any provision made under section 14(1) of the Government Resources and Accounts Act 2000 (power to disapply this paragraph in relation to specified bodies and years).

Exceptions for accounts of charitable trusts

- 10 (1) For the purposes of this paragraph a “relevant charitable trust”, in relation to an NHS body, means a charitable trust whose trustee or trustees is or are that body.
- (2) Nothing in paragraph 3, so far as it applies to an NHS body of any description, has effect in relation to accounts relating to a relevant charitable trust.
- (3) Nothing in paragraph 4, 8 or 9, so far as it relates to an NHS body of any description, requires any annual or summarised accounts prepared by or in relation to the body to include matters relating to a relevant charitable trust.
- (4) In this paragraph “NHS body” means a body which is an English NHS body, a Welsh NHS body or a cross-border SHA.

Exceptions for accounts of non-charitable trusts

- 11 (1) For the purposes of this paragraph a “relevant non-charitable trust”, in relation to an NHS body, means a trust which is not a charitable trust and whose trustee or trustees is or are that body.
- (2) Nothing in paragraph 8 or 9, so far as it relates to an NHS body of any description, requires any summarised accounts prepared in relation to the body to include matters relating to a relevant non-charitable trust.
- (3) In this paragraph “NHS body” means a body which is an English NHS body, a Welsh NHS body or a cross-border SHA.

Meaning of “the Assembly”

- 12 In this Schedule “the Assembly” means the National Assembly for Wales.”