



Health and Social Care Act 2012

2012 CHAPTER 7

PART 4

NHS FOUNDATION TRUSTS & NHS TRUSTS

Foundation trust status

161 Amendment of constitution

- (1) In section 37 of the National Health Service Act 2006 (amendments of constitution), the existing text of which becomes subsection (1), for “with the approval of the regulator” substitute “only if—
 - (a) more than half of the members of the council of governors of the trust voting approve the amendments, and
 - (b) more than half of the members of the board of directors of the trust voting approve the amendments.”
- (2) After that subsection insert—
 - “(2) Amendments made under this section take effect as soon as the conditions in subsection (1)(a) and (b) are satisfied.
 - (3) But an amendment is of no effect in so far as the constitution would, as a result of the amendment, not accord with Schedule 7.
 - (4) The trust must inform the regulator of amendments made under this section; but the regulator’s functions do not include a power or duty to determine whether or not the constitution, as a result of the amendments, accords with Schedule 7.”
- (3) Subsections (1) and (2) do not apply in the case of amendments in respect of which, immediately before the commencement of this section, Monitor has yet to decide whether or not to give approval under section 37 of the National Health Service Act 2006.