



# Deregulation Act 2015

## 2015 CHAPTER 20

### *Other measures to reduce burdens on public authorities*

#### **96 NHS foundation trusts and NHS trusts: acquisitions and dissolutions etc**

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

(2) In section 56A (acquisitions), after subsection (4) insert—

“(4A) Where the regulator proposes to grant the application, it may by order make provision for the transfer of employees of B to A on the grant of the application.”

(3) After section 56A insert—

#### **“56AA Acquisitions under section 56A: supplementary**

(1) On the grant of an application under section 56A—

- (a) any order made by the regulator under section 56A(4A) takes effect,
- (b) the property and liabilities of the acquired NHS foundation trust or NHS trust are transferred to the acquiring NHS foundation trust (other than rights and liabilities which may be dealt with by order under section 56A(4A)),
- (c) the acquired NHS foundation trust or NHS trust is dissolved, and
- (d) where the acquired trust is an NHS trust, the NHS trust order establishing it is revoked.

(2) So far as may be necessary for the purposes of subsection (1)(b)—

- (a) anything done before the grant of the application by or in relation to the acquired trust is to be treated (on and after the grant) as having been done by or in relation to the acquiring trust;
- (b) any reference in a document to the acquired trust is to be read as a reference to the acquiring trust.

---

*Status: This is the original version (as it was originally enacted).*

---

- (3) Anything (including legal proceedings) that, immediately before the grant of the application, is in the process of being done by or in relation to the acquired trust may continue to be done afterwards by or in relation to the acquiring trust.
- (4) In subsection (1)—
- (a) “liabilities” includes criminal liabilities;
  - (b) “property” includes trust property.”
- (4) In section 57 (sections 56 to 56B: supplementary), after subsection (3) insert—
- “(3A) The order may include provision for the transfer of employees of the trust or trusts dissolved by the order.”
- (5) In section 64 (orders and regulations under this Chapter)—
- (a) in subsection (4), before paragraph (c) insert—  
“(ba) section 56A(4A),”;
  - (b) in subsection (4A), after “section” insert “56A(4A),”.
- (6) In section 65LA (trusts to be dissolved), in subsection (3)(b), for the words following “trust” to the end substitute “—
- (i) to an NHS body;
  - (ii) to the Secretary of State;
  - (iii) between more than one NHS body or between one or more NHS bodies and the Secretary of State.”
- (7) In that section, in subsection (5), for “to an NHS foundation trust” substitute “to an NHS body”.
- (8) In paragraph 31 of Schedule 4 (NHS trusts established under section 25), as it has effect until its repeal by section 179(2) of the Health and Social Care Act 2012, at the beginning insert “Subject to section 56AA,”.