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STATUTORY INSTRUMENTS

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**2004 No. 696**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health and Social Care (Community Health and  
Standards) Act 2003 (Supplementary and Consequential  
Provision) (NHS Foundation Trusts) Order 2004**

*Made - - - - 10th March 2004*

*Laid before Parliament 11th March 2004*

*Coming into force - - in accordance with article 1*

**THE HEALTH AND SOCIAL CARE (COMMUNITY  
HEALTH AND STANDARDS) ACT 2003  
(SUPPLEMENTARY AND CONSEQUENTIAL  
PROVISION) (NHS FOUNDATION TRUSTS) ORDER 2004**

1. Citation and commencement
  2. Extent and application
  3. Supplementary and Consequential amendments
- Signature

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SCHEDULE 1 — Amendments Supplementary and Consequential on Part 1 of the  
Health and Social Care (Community Health and Standards) Act 2003

1. Medicines (Pharmacy and General Sale – Exemption) Order 1980
2. Mental Health Act Commission Regulations 1983
3. Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986
4. Housing (Right to Buy) (Prescribed Forms) Regulations 1986
5. National Health Service (Charges to Overseas Visitors) Regulations 1989
6. Regional and District Health Authorities (Membership and Procedure) Regulations 1990
7. National Health Service Trusts (Membership and Procedure) Regulations 1990
8. United Kingdom Transplant Support Service Authority Regulations 1991

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9. Children (Secure Accommodation) Regulations 1991
10. Children (Secure Accommodation) (No. 2) Regulations 1991
11. National Health Service (Pharmaceutical Services) Regulations 1992
12. Housing (Right to Buy) (Prescribed Persons) Order 1992
13. Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992
14. National Blood Authority Regulations 1993
15. Redundancy Payments (National Health Service) (Modification) Order 1993
16. National Health Service Pension Scheme Regulations 1995
17. Family Health Services Appeal Authority Regulations 1995
18. National Health Service (Injury Benefits) Regulations 1995
19. National Health Service Litigation Authority Regulations 1995
20. National Health Service (Clinical Negligence Scheme) Regulations 1996
21. National Health Service (Existing Liabilities Scheme) Regulations 1996
22. National Health Service (Appointment of Consultants) Regulations 1996
23. Health Authorities (Membership and Procedure) Regulations 1996
24. Employment Protection (Continuity of Employment of National Health Service Employees) (Modification) Order 1996
25. Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996
26. Construction Contracts (England and Wales) Exclusion Order 1998
27. National Institute for Clinical Excellence Regulations 1999
28. National Health Service Estate Management and Health Building Agency Trading Fund Order 1999
29. National Health Service Information Authority Regulations 1999
30. National Health Service (Liabilities to Third Parties Scheme) Regulations 1999
31. National Health Service (Property Expenses Scheme) Regulations 1999
32. Motor Vehicles (Driving Licences) Regulations 1999
33. Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000
34. Data Protection (Subject Access Modification) (Social Work) Order 2000
35. NHS Bodies and Local Authorities Partnership Arrangements Regulations 2000
36. National Treatment Agency Regulations 2001
37. National Health Service Appointments Commission Regulations 2001
38. Immigration and Asylum Act 1999 (Part V Exemption: Educational Institutions and Health Sector Bodies) Order 2001
39. National Patient Safety Agency Regulations 2001
40. Care Homes Regulations 2001
41. National Health Service (Compensation for Premature Retirement) Regulations 2002
42. Statutory Paternity Pay and Statutory Adoption Pay (National Health Service Employees) Regulations 2002
43. Commission for Patient and Public Involvement in Health (Functions) Regulations 2002
44. Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002
45. Counter Fraud and Security Management Service Regulations 2002
46. Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002

47. Health Protection Agency (Yr Asiantaeth Diogelu Iechyd) Regulations 2003
48. New Schools (General) (England) Regulations 2003
49. Mental Health (Correspondence of Patients, Patient Advocacy and Liaison Services) Regulations 2003
50. Patients' Forums (Membership and Procedure) Regulations 2003
51. Patients' Forums (Functions) Regulations 2003
52. NHS Professionals Special Health Authority Regulations 2003
53. Commission for Social Care Inspection (Membership) Regulations 2003
54. Commission for Healthcare Audit and Inspection (Membership) Regulations 2003
55. Crime and Disorder Strategies (Prescribed Descriptions) (England) Order 2004

SCHEDULE 2 — Enactments where after “National Health Service Trust”, “National Health Service trust”, “NHS Trust” or “NHS trust” there is inserted “or NHS foundation trust”

SCHEDULE 3 — Enactments where after “National Health Service Trust”, “National Health Service trust” or “NHS trust” there is inserted “, NHS foundation trust”

SCHEDULE 4 — Enactments where after “National Health Service Trust” or “National Health Service trust” or “NHS Trust”, there is inserted “, an NHS foundation trust”

SCHEDULE 5 — Enactments where for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”

SCHEDULE 6 — Enactments where for “or an NHS trust” there is substituted “, an NHS trust or an NHS foundation trust”

SCHEDULE 7 — Enactments where after an entry relating to a “National Health Service Trust” or “national health service trust” there is inserted ““NHS foundation trust” has the same meaning as in section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003;”

SCHEDULE 8 — Enactments where there is inserted in the appropriate alphabetical position ““NHS foundation trust” has the same meaning as in section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003;”

SCHEDULE 9 — Enactments where after “1978” there is added “or an NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003”

SCHEDULE 10 — Enactments where for the definition of “health service body” there is substituted ““health service body” means (a) a body listed in section 4 of the National Health Service and Community Care Act 1990; (b) an NHS foundation trust; (c) the Independent Regulator of NHS Foundation Trusts ;”

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- SCHEDULE 11 — Enactments where for the definition of “health service body” there is substituted ““health service body” means (a) a body listed in section 4 of the National Health Service and Community Care Act 1990; (b) an NHS foundation trust;”
- SCHEDULE 12 — Enactments where after “director” there is inserted “or governor”
- SCHEDULE 13 — Enactments where for “a health service body” there is substituted “or, in the case of an NHS foundation trust the chairman, a governor or a non-executive director of, the health service body in question”
- SCHEDULE 14 — Enactments where for “a health service body” there is substituted “or, in the case of an NHS foundation trust his chairmanship, governorship, or non-executive directorship of, the health service body in question”
- SCHEDULE 15 — Enactments where after “directors of,” there is inserted, “or in the case of an NHS foundation trust, the chairman, a governor or a non-executive director of”
- SCHEDULE 16 — Enactments where there is inserted in the appropriate alphabetical position ““Independent Regulator of NHS Foundation Trusts” means the body corporate established by section 2 of the Health and Social Care (Community Health and Standards) Act 2003”
- SCHEDULE 17 — Enactment where there is inserted “(5) In these Regulations, a reference to “NHS trust” shall be construed to include a reference to an NHS foundation trust within the meaning of section 1(1) of the Health and Social Care (Community Health and Standards) Act 2003 where the application for authorisation to become an NHS foundation trust was made by an NHS trust.”

Explanatory Note