

**2015 No. 678**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Amendment Order 2015**

*Made* - - - - *11th March 2015*

*Coming into force* - - *1st April 2015*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 51(1) and (2), 64(5) and (6) and 273(1) of the National Health Service Act 2006(a).

**Citation and commencement**

1. This Order may be cited as the NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Amendment Order 2015 and comes into force on 1st April 2015.

**Amendment of the NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Order 2007**

2.—(1) The NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Order 2007(b) is amended as follows.

(2) In article 1, at paragraph (2)—

- (a) omit the definitions “company”, “executive director” and “non-executive director”;
- (b) in the definition “foundation trust”, for “Schedules” substitute “Schedule 1”.

(3) In article 2, omit paragraph (3).

(4) In article 3, for paragraph (1), substitute—

“(1) The Secretary of State may terminate a trustee’s tenure of office where the Secretary of State is of the opinion that it is not in the interests of the foundation trust or of the health service or of the administration of any of the trust funds that the trustee should continue to hold office.”.

(5) Omit article 3A.

(6) In article 4—

- (a) in paragraph (3), omit the phrase “(whether an individual or a company)”;
- (b) omit paragraph (5).

(7) In Schedule 1, omit the entries—

- (a) “Alder Hey Children’s NHS Foundation Trust”;
- (b) “Birmingham Children’s Hospital NHS Foundation Trust”;

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(a) 2006 c. 41. By virtue of section 271(1) of the National Health Service Act 2006, the powers exercised in making this Order are exercisable by the Secretary of State in relation to England only.

(b) S.I. 2007/1766; amended by S.I. 2008/1902, 2010/306, 2011/2962 and 2012/2950.

- (c) “Guy’s and St Thomas’s NHS Foundation Trust”.
- (8) Omit Schedule 2.

Signed by authority of the Secretary of State for Health.

11th March 2015

*Earl Howe*  
Parliamentary Under Secretary of State  
Department of Health

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the NHS Foundation Trusts (Trust Funds: Appointment of Trustees) Order 2007 (S.I. 2007/1766) (the “Appointment Order”), which provides for the appointment of trustees for the NHS foundation trusts specified in the Schedules.

Article 2 of this Order amends the Appointment Order—

- to remove provisions and references relating to the appointment of a company as a trustee;
- to remove from the list in Schedule 1 of foundation trusts for which the Secretary of State must appoint trustees, Alder Hey Children’s NHS Foundation Trust, Birmingham Children’s Hospital NHS Foundation Trust, and Guy’s and St Thomas’s NHS Foundation Trust; and
- to remove Schedule 2, which lists Royal Brompton and Harefield NHS Foundation Trust as the only foundation trust for which the Secretary of State must appoint a company as a trustee.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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