

Status: Point in time view as at 01/10/2002.

Changes to legislation: National Health Service and Community Care Act 1990, Part IV is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

NATIONAL HEALTH SERVICE TRUSTS

PART IV

DISSOLUTION

- 29 (1) The Secretary of State may by order made by statutory instrument dissolve an NHS trust.
- (2) An order under this paragraph may be made—
- (a) on the application of the NHS trust concerned; or
 - (b) if the Secretary of State considers it appropriate in the interests of the health service.
- (3) Except where it appears to the Secretary of State necessary to make an order under this paragraph as a matter of urgency, no such order shall be made until after the completion of such consultation as may be prescribed.
- 30 (1) If an NHS trust is dissolved under this Part of this Schedule, the Secretary of State may by order transfer or provide for the transfer to—
- (a) the Secretary of State, or
 - [^{F1}(aa) a Strategic Health Authority, or]
 - [^{F2}(b) a Health Authority, or
 - (bb) a Special Health Authority, or]
 - [^{F3}(bbb) a Primary Care Trust, or]
 - (c) another NHS trust,
- of such of the property, rights and liabilities of the NHS trust which is dissolved as in his opinion is appropriate; and any such order may include provisions corresponding to those of section 8 of this Act.
- (2) An order under this paragraph may make provision in connection with the transfer of staff employed by or for the purposes of the NHS trust which is dissolved; and such an order may include provisions corresponding to those of sections 6 and 7 of this Act, including provision for the making of a scheme by such [^{F4}Strategic Health Authority,][^{F5}Health Authority, Special Health Authority] or other body as may be specified in the order.
- (3) No order shall be made under this paragraph until after completion of such consultation as may be prescribed.

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Textual Amendments

- F1** Sch. 2 para. 30(1)(aa) inserted (1.10.2002) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 46(b)**; S.I. 2002/2478, **art. 3(1)(c)** (with art. 3(3) and transitional provision in art. 4)
- F2** Sch. 2 para. 30(1)(b)(bb) substituted (1.4.1996 subject to s. 8 of the amending Act) for Sch. 2 para. 30(1)(b) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 85(g)** (with Sch. 2 paras. 6, 16)
- F3** Sch. 2 para. 30(1)(bbb) inserted (4.1.2000 for E. and otherwise *prosp.*) by 1998 c. 8, ss. 65(1), 67(1), Sch. 4 paras. 74, **83(7)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**
- F4** Words in Sch. 2 para. 30(2) inserted (1.10.2002) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 46(a)**; S.I. 2002/2478, **art. 3(1)(c)** (with art. 3(3) and transitional provision in art. 4)
- F5** Words in Sch. 2 para. 30(2) substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 85(g)** (with Sch. 2 paras. 6, 16)

- 31 Without prejudice to the generality of paragraph 30 above, if an NHS trust is dissolved under this Part of this Schedule, the Secretary of State or such other NHS trust [^{F6}, or such [^{F7}Strategic Health Authority,][^{F8}Primary Care Trust,]Health Authority or Special Health Authority,] as he may direct shall undertake the responsibility for the continued payment of any such pension, allowances or gratuities as, by virtue of paragraph 9(2) or paragraph 17 above, would otherwise have been the responsibility of the trust which has been dissolved.

Textual Amendments

- F6** Words in Sch. 2 para. 31 substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. II para. 85(h)** (with Sch. 2 paras. 6, 16)
- F7** Words in Sch. 2 para. 31 inserted (1.10.2002) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 46(a)**; S.I. 2002/2478, **art. 3(1)(c)** (with art. 3(3) and transitional provision in art. 4)
- F8** Words in Sch. 2 para. 31 inserted (1.10.2002) by 2002 c. 17, s. 2(5), **Sch. 2 Pt. 2 para. 58**; S.I. 2002/2478, **art. 3(1)(d)** (with art. 3(3) and transitional provision in art. 4)

- 32 An NHS trust may not be dissolved or wound up except in accordance with this Part of this Schedule.

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