

These notes refer to the Health and Social Care (Community Health and Standards) Act 2003 (c.43) which received Royal Assent on 20 November 2003

HEALTH AND SOCIAL CARE (COMMUNITY HEALTH AND STANDARDS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Nhs Foundation Trusts

Financial matters

Section 11: Power of Secretary of State to give financial assistance

68. This section provides for the Secretary of State to give loans, public dividend capital, grants or other payments to NHS foundation trusts.
69. *Subsection (3)* provides the necessary statutory cover for the Secretary of State to guarantee payments due under Private Finance Initiative (PFI) agreements entered into by NHS foundation trusts. Such agreements are currently entered into by NHS trusts. They are certified as “externally financed development agreements” within the meaning of the National Health Service (Private Finance) Act 1997. The section envisages that these certification arrangements will continue.