



Health and Social Care Act 2012

2012 CHAPTER 7

PART 4

NHS FOUNDATION TRUSTS & NHS TRUSTS

Governance and management

151 Governors

- (1) In paragraph 7 of Schedule 7 to the National Health Service Act 2006 (public benefit corporation to have governors)—
 - (a) in sub-paragraph (1), for “a board of governors” substitute “a council of governors”, and
 - (b) in sub-paragraphs (2), (3) and (4), for “the board” substitute “the council”.
- (2) Omit paragraph 9(3) of that Schedule (requirement for at least one member of council of governors to be appointed by PCT).
- (3) For paragraph 9(7) of that Schedule (partnership organisations) substitute—

“(7) Any organisation specified in the constitution for the purposes of this sub-paragraph may appoint one or more members of the council (but no more than the number specified for those purposes in the constitution).”
- (4) After paragraph 10 of that Schedule insert—

“10A The general duties of the council of governors are—

 - (a) to hold the non-executive directors individually and collectively to account for the performance of the board of directors, and
 - (b) to represent the interests of the members of the corporation as a whole and the interests of the public.”
- (5) After paragraph 10A of that Schedule insert—

Status: This is the original version (as it was originally enacted).

“10B A public benefit corporation must take steps to secure that the governors are equipped with the skills and knowledge they require in their capacity as such.”

(6) After paragraph 10B of that Schedule insert—

“10C For the purpose of obtaining information about the corporation’s performance of its functions or the directors’ performance of their duties (and deciding whether to propose a vote on the corporation’s or directors’ performance), the council of governors may require one or more of the directors to attend a meeting.”

(7) In paragraph 23(4) of that Schedule (persons eligible for appointment as auditor by governors), in sub-paragraph (c), for “the regulator” substitute “the Secretary of State”.

(8) In paragraph 26(2) of that Schedule (information that must be given in annual reports etc.), after paragraph (a) insert—

“(aa) information on any occasions in the period to which the report relates on which the council of governors exercised its power under paragraph 10C,”.

(9) In consequence of subsection (1)—

- (a) in sections 33(4)(a) (in each place it appears), 35(2)(c) and (5)(c), 39(3)(a), 59(1), (2)(b) and (5) and 60(1) of that Act, for “board of governors” substitute “council of governors”,
- (b) in section 60(2) and (3) and paragraphs 8 to 14, 17, 18, 20, 21, 23, 27 and 28 of Schedule 7 to that Act, for “the board” (in each place it appears) substitute “the council”,
- (c) for the cross-heading preceding paragraph 7 of that Schedule substitute “Council of Governors”,
- (d) in the cross-heading preceding paragraph 28 of that Schedule, for “board” substitute “council”, and
- (e) in paragraphs 4(2) and 5(1) of Schedule 10 to that Act, for “board of governors” substitute “council of governors”.