

**Changes to legislation:** There are currently no known outstanding effects for the NHS (Charitable Trusts Etc) Act 2016. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

Section 1

#### SECTION 1: CONSEQUENTIAL AMENDMENTS

*National Health Service Act 2006 (c. 41)*

1 The National Health Service Act 2006 is amended as follows.

##### Commencement Information

**II** Sch. 1 para. 1 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

2 In section 213 (transfers of trust property)—

- (a) in subsection (2)—
  - (i) in paragraph (b) at the beginning insert “ Welsh ”, and
  - (ii) in paragraph (c) omit “the Board or a clinical commissioning group,” and “or an NHS foundation trust”, and
- (b) in subsection (5) for “ “special trustees” includes” substitute “ “Welsh special trustees” means ”.

##### Commencement Information

**I2** Sch. 1 para. 2 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

3 In section 214 (transfer of functions and property to and from special trustees)—

- (a) in the heading of the section after “from” insert “ Welsh ”,
- (b) in subsections (1) to (3) for “special trustees”, in each place, substitute “ Welsh special trustees ”,
- (c) in subsection (3)(a) omit “the Board or a clinical commissioning group,” and “or an NHS foundation trust”, and
- (d) in subsection (6) for “ “Special trustees” includes” substitute “ “Welsh special trustees” means ”.

##### Commencement Information

**I3** Sch. 1 para. 3 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

4 In section 215 (trustees and property under section 222)—

- (a) omit subsections (1) and (2),
- (b) in subsection (3)—
  - (i) omit paragraphs (za), (zb) and (c) (and the “or” before paragraph (c)), and
  - <sup>F1</sup>(ii) . . . . .

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- (c) in subsection (4) omit the following—
- (i) “Board, clinical commissioning group,” in both places, and
  - (ii) “or NHS foundation trust” in both places.

#### Textual Amendments

- F1** Sch. 1 para. 4(b)(ii) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 31\(2\)](#); [S.I. 2022/734](#), reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

#### Commencement Information

- I4** Sch. 1 para. 4(a)(b)(i)(c) in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 5 In section 217 (trusts: supplementary provisions) in subsection (1)—
- (a) omit paragraphs (a), (ea) and (eb),
  - (b) in paragraph (b) for “212 to” substitute “ 213 and ”, and
  - (c) in paragraph (i) for “paragraphs 8 and 9” substitute “ paragraph 8 ”.

#### Commencement Information

- I5** Sch. 1 para. 5 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 6 In section 218 (private trusts for hospitals)—
- (a) in subsection (4)—
    - (i) in paragraph (a) after “where” insert “ Welsh ”, and
    - (ii) in paragraph (b) omit “an NHS foundation trust”, and
  - (b) in subsection (6) in the definition of “special trustees” for “ “special trustees” includes” substitute “ “Welsh special trustees” means ”.

#### Commencement Information

- I6** Sch. 1 para. 6 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 7 In section 220 (trust property previously held for general hospital purposes) omit subsection (6).

#### Commencement Information

- I7** Sch. 1 para. 7 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 8 In section 226 (financial duties of Special Health Authorities) in subsection (4)(a) omit the words from “or on” to the end.

#### Commencement Information

- I8** Sch. 1 para. 8 in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

- 9 In section 276 (index of defined expressions) omit the entry relating to special trustees.

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#### Commencement Information

**I9** Sch. 1 para. 9 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

10 In Schedule 15 (accounts and audit) omit paragraph 1(1)(f).

#### Commencement Information

**I10** Sch. 1 para. 10 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

#### *National Health Service (Wales) Act 2006 (c. 42)*

11 The National Health Service (Wales) Act 2006 is amended as follows.

#### Commencement Information

**I11** Sch. 1 para. 11 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 12 In section 161 (transfers of trust property)—
- (a) in subsection (2)(c) omit—
    - (i) the words from “the National” to “group,”, and
    - (ii) “or an NHS foundation trust”, and
  - (b) omit subsection (5).

#### Commencement Information

**I12** Sch. 1 para. 12 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 13 In section 162 (transfer of functions and property to or from special trustees)—
- (a) in subsection (3)(a) omit—
    - (i) the words from “the National” to “group,”, and
    - (ii) “or an NHS foundation trust”, and
  - (b) omit subsection (6).

#### Commencement Information

**I13** Sch. 1 para. 13 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

PROSPECTIVE

<sup>F2</sup>14 . . . . .

#### Textual Amendments

**F2** Sch. 1 para. 14 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(3); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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*Charities Act 2011 (c. 25)*

- 15 In section 149(7) of the Charities Act 2011 (meaning of “English NHS charity”) omit paragraphs (bc) and (bd).

**Commencement Information**

**I14** Sch. 1 para. 15 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

*Health and Social Care Act 2012 (c. 7)*

- 16 In the Health and Social Care Act 2012—
- (a) in Schedule 4 (amendments of the National Health Service Act 2006) omit paragraphs 109(a), 110(3)(a), 111(3)(a) and 113(a), and
  - (b) in Schedule 21 (amendments relating to relationships between the health services) omit paragraphs 34(a) and 35(3)(a).

**Commencement Information**

**I15** Sch. 1 para. 16 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

*Local Audit and Accountability Act 2014 (c. 2)*

- 17 The Local Audit and Accountability Act 2014 is amended as follows.

**Commencement Information**

**I16** Sch. 1 para. 17 in force at 17.6.2021 by S.I. 2021/712, reg. 3(c)

- 18 Omit the following (which relate to special trustees for hospitals in England)—
- (a) section 3(9)(b),
  - (b) section 4(5),
  - (c) section 8(4)(c),
  - (d) section 10(10)(c),
  - (e) section 21(3),
  - <sup>F3</sup>(f) .....
  - (g) the definition of “special trustees for a hospital” in section 44(1),
  - <sup>F4</sup>(h) .....
  - (i) paragraph 24 of Schedule 2 (and the note to that paragraph), and
  - (j) paragraph 4(8)(c) of Schedule 7.

**Textual Amendments**

**F3** Sch. 1 para. 18(f) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(4); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

**F4** Sch. 1 para. 18(h) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), Sch. 7 para. 31(4); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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### Commencement Information

**I17** Sch. 1 paras. 18(a)–(e)(g)(i)(j) in force at 17.6.2021 by [S.I. 2021/712](#), [reg. 3\(c\)](#)

PROSPECTIVE

<sup>F5</sup>19

### Textual Amendments

**F5** [Sch. 1 para. 19](#) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 7 para. 31\(5\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

## SCHEDULE 2

Section 3

### SECTION 3: SUPPLEMENTARY PROVISIONS

#### *General interpretation*

1 In this Schedule—

“GOSH Children's Charity” means Great Ormond Street Hospital Children's Charity (company registration number 9338724);

“the Hospital” means Great Ormond Street Hospital for Children;

“relevant charity merger” has the meaning given by section 306 of the Charities Act 2011;

“the transfer date” means the date on which section 3 and this Schedule come into force;

“transferor” and “transferee” have the meaning given by section 306 of the Charities Act 2011;

“the trustees” means the special trustees appointed for the Hospital under the National Health Service Act 1977 or the National Health Service Act 2006;

“the 1988 Act” means the Copyright, Designs and Patents Act 1988.

#### *Transfer to GOSH Children's Charity: transitional provisions*

2 (1) Sub-paragraph (2) applies where immediately before the transfer date—

- (a) the trustees were entitled to a royalty by virtue of paragraph 2 of Schedule 6 to the 1988 Act, but
- (b) the royalty or another form of remuneration agreed by the trustees (or part of it) has not been paid to the trustees.

(2) The royalty or other form of remuneration (or part of it) is payable to GOSH Children's Charity on and after the transfer date and is to be held by it for the purposes of the Hospital.

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- 3       Where a royalty or other form of remuneration (or part of it) is payable to GOSH Children's Charity by virtue of paragraph 2 it may agree another form of remuneration.
- 4       (1) Sub-paragraph (2) applies where immediately before the transfer date the trustees were entitled to a royalty or other remuneration by virtue of paragraph 2 of Schedule 6 to the 1988 Act (whether or not the royalty or remuneration (or part of it) has been paid).
- (2) Paragraph 5 of that Schedule applies on and after the transfer date as if GOSH Children's Charity had been the trustees before the transfer date (and any application or order or other thing made or done before the transfer date has effect accordingly).

*Transfer on merger of GOSH Children's Charity*

- 5       (1) This paragraph applies where GOSH Children's Charity is the transferor (or one of the transferors) in a relevant charity merger.
- (2) The Secretary of State may by regulations made by statutory instrument—
- (a) amend paragraph 2 of Schedule 6 to the 1988 Act to transfer the right to a royalty by virtue of that paragraph to the transferee in relation to the merger, and
- (b) make consequential amendments of the 1988 Act.
- 6       Regulations under paragraph 5 may make—
- (a) transitional, transitory or saving provision, and
- (b) incidental or supplementary provision.
- 7       A statutory instrument containing regulations under paragraph 5 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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