



NHS (Charitable Trusts Etc) Act 2016

2016 CHAPTER 10

Removal of powers to appoint trustees

1 Removal of Secretary of State's powers to appoint trustees

- (1) In the National Health Service Act 2006 (“the 2006 Act”) omit the following provisions—
 - (a) section 51 (foundation trusts: trust funds and trustees),
 - (b) section 212 (special trustees for a university hospital or teaching hospital),
 - (c) paragraph 11 of Schedule A1 (the National Health Service Commissioning Board: trust funds and trustees) and the italic heading before that paragraph,
 - (d) paragraph 15 of Schedule 1A (clinical commissioning groups: trust funds and trustees) and the italic heading before that paragraph, and
 - (e) paragraph 9 of Schedule 6 (Special Health Authorities: trust funds and trustees).
- (2) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers appropriate in consequence of subsection (1).
- (3) The provision that may be made by regulations under subsection (2) includes—
 - (a) different provision for different purposes,
 - (b) transitional, transitory or saving provision,
 - (c) incidental or supplementary provision, and
 - (d) provision amending, repealing or revoking any primary or subordinate legislation.
- (4) Subject to subsection (5), a statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsection (4) does not apply to a statutory instrument falling within subsection (6).
- (6) A statutory instrument containing regulations under subsection (2) which amend or repeal primary legislation (whether alone or with other provision) may not be made

Status: This is the original version (as it was originally enacted).

unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (7) In subsection (3)(d) the reference to subordinate legislation includes subordinate legislation made after the passing of this Act.
- (8) In this section—
- “primary legislation” means—
 - (a) an Act of Parliament, or
 - (b) a Measure or Act of the National Assembly for Wales, and
 - “subordinate legislation” means—
 - (a) subordinate legislation within the meaning of the Interpretation Act 1978, and
 - (b) subordinate legislation made under a Measure or Act of the National Assembly for Wales.
- (9) Schedule 1 makes consequential amendments.