



# NHS (Charitable Trusts Etc) Act 2016

## 2016 CHAPTER 10

### *Removal of powers to appoint trustees*

#### **2 Section 1: supplementary provision**

- (1) The Secretary of State may by regulations made by statutory instrument provide for—
  - (a) the transfer of trust property held by trustees for an NHS foundation trust appointed under section 51 of the National Health Service Act 2006 (“the 2006 Act”) from the trustees to the NHS foundation trust, and
  - (b) the transfer of trust property held by trustees for an NHS trust appointed under paragraph 10 of Schedule 4 to the 2006 Act from the trustees to the NHS trust.
- (2) Any discretion given by a trust instrument to the trustees mentioned in subsection (1) is exercisable by the person to whom the trust property is transferred by virtue of that subsection and, subject to subsections (3) and (4), the transfer does not affect the trusts on which the trust property is held.
- (3) Subsection (4) applies where the trustees mentioned in subsection (1) held any part of the trust property transferred by virtue of that subsection on trust wholly or mainly for hospitals for which they were appointed for all or any purposes relating to—
  - (a) hospital services (including research), or
  - (b) any other part of the health service associated with hospitals.
- (4) The person to whom the trust property is transferred has a discretion to apply the part of the trust property in question or the income arising from it, to such extent as that person considers appropriate, for any purposes relating to the health service.
- (5) Subsections (2) to (7) of section 217 of the 2006 Act (trusts: supplementary provisions) apply as if subsection (1) above were a provision to which that section applies.
- (6) In their application by virtue of subsection (5), subsections (6) and (7) of section 217 of the 2006 Act are to be read as if references to an order were references to regulations.
- (7) Regulations under subsection (1) may make—
  - (a) different provision for different purposes,
  - (b) transitional, transitory or saving provision, and

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**Changes to legislation:** There are currently no known outstanding effects for the NHS (Charitable Trusts Etc) Act 2016, Section 2. (See end of Document for details)

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- (c) incidental, supplementary or consequential provision.
- (8) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section “the health service” and “hospital” have the same meaning as in the 2006 Act.

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**Commencement Information**

**II**    [S. 2](#) in force at 17.6.2021 by [S.I. 2021/712](#), **reg. 3(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the NHS (Charitable Trusts Etc) Act 2016, Section 2.