

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

Section 34

AMENDMENTS RELATING TO NHS FOUNDATION TRUSTS

The Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

1 The Voluntary Hospitals (Paying Patients) Act 1936 is amended as follows.

Commencement Information

I1 Sch. 4 para. 1 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

2 In section 1 (definitions), in the definition of “voluntary hospital”, after “NHS trust” there is inserted “, an NHS foundation trust”.

Commencement Information

I2 Sch. 4 para. 2 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The National Assistance Act 1948 (c. 29)

3 The National Assistance Act 1948 is amended as follows.

Commencement Information

I3 Sch. 4 para. 3 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

4 In section 24 (authority liable for provision of accommodation), in subsection (6), for “or an NHS trust” there is substituted “, an NHS trust or an NHS foundation trust”.

Commencement Information

I4 Sch. 4 para. 4 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Public Records Act 1958 (c. 51)

5 The Public Records Act 1958 is amended as follows.

Commencement Information

I5 Sch. 4 para. 5 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 6 In Schedule 1 (definition of public records), in the Table in Part 1, in the entry relating to the Department of Health, in the second column, for “and National Health Service trusts” there is substituted “, National Health Service trusts and NHS foundation trusts”.

Commencement Information

I6 Sch. 4 para. 6 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Human Tissue Act 1961 (c. 54)

- 7 The Human Tissue Act 1961 is amended as follows.

Commencement Information

I7 Sch. 4 para. 7 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 8 In section 1 (removal of parts of bodies for medical purposes), in subsection (4A) (b), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I8 Sch. 4 para. 8 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Abortion Act 1967 (c. 87)

- 9 The Abortion Act 1967 is amended as follows.

Commencement Information

I9 Sch. 4 para. 9 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 10 In section 1 (medical termination of pregnancy), in subsection (3), after “National Health Service trust” there is inserted “ or an NHS foundation trust”.

Commencement Information

I10 Sch. 4 para. 10 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Leasehold Reform Act 1967 (c. 88)

- 11 The Leasehold Reform Act 1967 is amended as follows.

Commencement Information

I11 Sch. 4 para. 11 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 12 In section 28 (retention or assumption of land required for public purposes)—

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) in subsection (5), for “and any National Health Service trust” there is substituted “, any National Health Service trust and any NHS foundation trust”;
- (b) in subsection (6)(c), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

Commencement Information

I12 Sch. 4 para. 12 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health Services and Public Health Act 1968 (c. 46)

13 The Health Services and Public Health Act 1968 is amended as follows.

Commencement Information

I13 Sch. 4 para. 13 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

14 In section 63 (provisions of instruction for officers of hospital authorities etc. employed, or contemplating employment, in certain activities connected with health or welfare), in subsection (5B), the “and” at the end of paragraph (bbb) is omitted and after paragraph (c) there is inserted—
“(d) NHS foundation trusts”.

Commencement Information

I14 Sch. 4 para. 14 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)

15 The Employers' Liability (Compulsory Insurance) Act 1969 is amended as follows.

Commencement Information

I15 Sch. 4 para. 15 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

16 In section 3 (employers exempted from insurance), in subsection (2)(a), after “1978,” there is inserted “an NHS foundation trust,”.

Commencement Information

I16 Sch. 4 para. 16 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Local Government Act 1972 (c. 70)

17 The Local Government Act 1972 is amended as follows.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I17 Sch. 4 para. 17 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

18 In section 113 (placing of staff of local authorities at disposal of other local authorities), in subsection (1A), for “or NHS trust” (in each place) there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I18 Sch. 4 para. 18 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The House of Commons Disqualification Act 1975 (c. 24)

19 The House of Commons Disqualification Act 1975 is amended as follows.

Commencement Information

I19 Sch. 4 para. 19 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

20 In Part 3 of Schedule 1 (disqualifying offices), there is inserted at the appropriate place— “ Chairman or other non-executive director of an NHS foundation trust. ”

Commencement Information

I20 Sch. 4 para. 20 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Race Relations Act 1976 (c. 74)

^{F1}21

Textual Amendments

F1 Sch. 4 para. 21 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

^{F2}22

Textual Amendments

F2 Sch. 4 para. 22 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

The National Health Service Act 1977 (c. 49)

^{F3}23

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F324

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F325

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F326

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F327

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F328

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F329

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F330

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F331

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F332

Textual Amendments

F3 Sch. 4 paras. 23-32 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F433

Textual Amendments

F4 Sch. 4 para. 33 repealed (7.6.2005) by [Inquiries Act 2005](#) (c. 12), s. 51(1), [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

F534

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F535

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F536

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F537

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F538

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F539

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F540

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F541

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F542

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F543

Textual Amendments

F5 Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F544

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE

4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F5** Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F5}45

Textual Amendments

- F5** Sch. 4 paras. 34-45 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Acquisition of Land Act 1981 (c. 67)

- 46 (1) An NHS foundation trust may be authorised to purchase land compulsorily for the purposes of its functions by means of an order—
- (a) made by the trust, and
 - (b) confirmed by the Secretary of State.
- (2) The Acquisition of Land Act 1981 is to apply to the compulsory purchase of land under this paragraph.
- (3) But no order is to be made by an NHS foundation trust under Part 2 of that Act with respect to any land unless the proposal to acquire it compulsorily—
- (a) is submitted to the Secretary of State in such form, and together with such information, as he may require, and
 - (b) is approved by him.

Commencement Information

- I21** Sch. 4 para. 46 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

47 The Acquisition of Land Act 1981 is amended as follows.

Commencement Information

- I22** Sch. 4 para. 47 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

48 In section 16 (statutory undertakers' land excluded from compulsory purchase), in subsection (3), after paragraph (b) there is inserted—

“(ba) an NHS foundation trust;”.

Commencement Information

- I23** Sch. 4 para. 48 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

49 In section 17 (local authority and statutory undertakers' land), in subsection (4), in the definition of “statutory undertakers”, after paragraph (aa) there is inserted—

“(aab) an NHS foundation trust;”.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I24 Sch. 4 para. 49 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Mental Health Act 1983 (c. 20)

50 The Mental Health Act 1983 is amended as follows.

Commencement Information

I25 Sch. 4 para. 50 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

^{F6}51

Textual Amendments

F6 Sch. 4 para. 51 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), **Sch. 11 Pt. 3**; [S.I. 2008/1900](#), **art. 2(p)** (with [art. 3](#), [Sch.](#))

52 In section 19 (regulations as to transfer of patients), in subsection (3), after “National Health Service trust” (in both places) there is inserted “, NHS foundation trust”.

Commencement Information

I26 Sch. 4 para. 52 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

53 In section 23 (discharge of patients)—
^{F7}(a)
(b) in subsection (4), after “trust” (in the first place it occurs) there is inserted “ (other than an NHS foundation trust) ”,
(c) after subsection (5), there is inserted—
“(6) The powers conferred by this section on any NHS foundation trust may be exercised by any three or more non-executive directors of the board of the trust authorised by the board in that behalf.”

Textual Amendments

F7 Sch. 4 para. 53(a) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 39(4)(d)**, [306\(4\)](#); [S.I. 2012/1319](#), **art. 2(3)**

Commencement Information

I27 Sch. 4 para. 53 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

^{F8}54

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE

4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F8** Sch. 4 para. 54 omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), ss. 39(4)(d), 306(4); S.I. 2012/1319, art. 2(3)

- 55 In section 32 (regulations for purposes of Part 2), in subsection (3), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts”.

Commencement Information

- I28** Sch. 4 para. 55 in force at 1.4.2004 by S.I. 2004/759, art. 2

- 56 In section 139 (protection for acts done in pursuance of this Act), in subsection (4), at the end there is inserted “ or NHS foundation trust ”.

Commencement Information

- I29** Sch. 4 para. 56 in force at 1.4.2004 by S.I. 2004/759, art. 2

- 57 In section 145 (interpretation), in subsection (1), after paragraph (bb) of the definition of “the managers” there is inserted—
“(bc) in relation to a hospital vested in an NHS foundation trust, the trust;”.

Commencement Information

- I30** Sch. 4 para. 57 in force at 1.4.2004 by S.I. 2004/759, art. 2

The National Audit Act 1983 (c. 44)

- 58 The National Audit Act 1983 is amended as follows.

Commencement Information

- I31** Sch. 4 para. 58 in force at 1.4.2004 by S.I. 2004/759, art. 2

- 59 In section 6 (public departments etc.), in subsection (3)(b), at the end there is inserted “ and any NHS foundation trust ”.

Commencement Information

- I32** Sch. 4 para. 59 in force at 1.4.2004 by S.I. 2004/759, art. 2

The Public Health (Control of Disease) Act 1984 (c. 22)

- 60 The Public Health (Control of Disease) Act 1984 is amended as follows.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I33 Sch. 4 para. 60 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 61 In section 13 (regulations for control of certain diseases), in subsection (4)(a), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts”.

Commencement Information

I34 Sch. 4 para. 61 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 62 In section 37 (removal to hospital of person with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust,”.

Commencement Information

I35 Sch. 4 para. 62 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 63 In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust,”.

Commencement Information

I36 Sch. 4 para. 63 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 64 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

Commencement Information

I37 Sch. 4 para. 64 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 65 In section 2 (rights of authorised representatives of disabled persons), in subsection (5)(a), after “1990” there is inserted “ or by an NHS foundation trust”.

Commencement Information

I38 Sch. 4 para. 65 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 66 In section 7 (persons discharged from hospital), in subsection (9), in the definition of “the managers”—
- (a) in paragraph (a)(i), after “National Health Service trust” there is inserted “, an NHS foundation trust”,
 - (b) in paragraph (cc), after “that trust;” there is inserted—

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(cd) in relation to a hospital vested in an NHS foundation trust, means the board of directors of that trust;”.

Commencement Information

I39 Sch. 4 para. 66 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Company Directors Disqualification Act 1986 (c. 46)

67 The Company Directors Disqualification Act 1986 is amended as follows.

Commencement Information

I40 Sch. 4 para. 67 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

68 After section 22B there is inserted—

“22C Application of Act to NHS foundation trusts

- (1) This Act applies to NHS foundation trusts as it applies to companies within the meaning of this Act.
- (2) References in this Act to a company, or to a director or officer of a company, include, respectively, references to an NHS foundation trust or to a director or officer of the trust; but references to shadow directors are omitted.
- (3) In the application of Schedule 1 to the directors of an NHS foundation trust, references to the provisions of the Insolvency Act or the Companies Act include references to the corresponding provisions of Part 1 of the Health and Social Care (Community Health and Standards) Act 2003.”

Commencement Information

I41 Sch. 4 para. 68 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The AIDS (Control) Act 1987 (c. 33)

69 The AIDS (Control) Act 1987 is amended as follows.

Commencement Information

I42 Sch. 4 para. 69 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 70 In section 1 (periodical reports on matters relating to AIDS and HIV)—
- (a) in subsection (1)(b)(iv), after “NHS trust” there is inserted—
“ (iva) each NHS foundation trust;”,
 - (b) in subsection (2)(b), after “NHS Trust” there is inserted “ , NHS foundation trust ”.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I43 Sch. 4 para. 70 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Copyright, Designs and Patents Act 1988 (c. 48)

71 The Copyright, Designs and Patents Act 1988 is amended as follows.

Commencement Information

I44 Sch. 4 para. 71 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

72 In section 48 (material communicated to the Crown in the course of public business), in subsection (6), after “1978” there is inserted “ and an NHS foundation trust ”.

Commencement Information

I45 Sch. 4 para. 72 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Road Traffic Act 1988 (c. 52)

73 The Road Traffic Act 1988 is amended as follows.

Commencement Information

I46 Sch. 4 para. 73 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

74 In section 144 (exceptions from requirement of third-party insurance), in subsection (2), after paragraph (db) there is inserted—
“(dc) to an ambulance owned by an NHS foundation trust, at a time when the vehicle is being driven under the owner’s control,”.

Commencement Information

I47 Sch. 4 para. 74 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Children Act 1989 (c. 41)

75 The Children Act 1989 is amended as follows.

Commencement Information

I48 Sch. 4 para. 75 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

76 In section 24 (persons qualifying for advice and assistance), in subsection (2)(d)(ii), after “trust” there is inserted “ or an NHS foundation trust ”.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I49 Sch. 4 para. 76 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

F977

Textual Amendments

F9 Sch. 4 para. 77 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **209**

78 In section 27 (co-operation between authorities), in subsection (3)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

Commencement Information

I50 Sch. 4 para. 78 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

79 In section 47 (local authority’s duty to investigate), in subsection (11)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

Commencement Information

I51 Sch. 4 para. 79 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

80 In section 80 (inspection of children’s homes etc. by persons authorised by Secretary of State)—

- (a) in subsection (1)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”,
- (b) in subsection (5)(e), after “National Health Service trust” there is inserted “, NHS foundation trust”.

Commencement Information

I52 Sch. 4 para. 80 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

81 In section 85 (children accommodated by health authorities and local education authorities), in subsection (1), after “National Health Service trust” there is inserted “, NHS foundation trust”.

Commencement Information

I53 Sch. 4 para. 81 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

82 In Schedule 2 (local authority support for children and families), in paragraph 1A(3), after paragraph (b) there is inserted—

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

“(ba) every NHS foundation trust which manages a hospital (within the meaning of the Health and Social Care (Community Health and Standards) Act 2003) in the authority’s area;”.

Commencement Information

I54 Sch. 4 para. 82 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The National Health Service and Community Care Act 1990 (c. 19)

F1083

Textual Amendments

F10 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F1084

Textual Amendments

F10 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

F1085

Textual Amendments

F10 Sch. 4 paras. 83-85 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Town and Country Planning Act 1990 (c. 8)

86 Sections 238 to 240 of the Town and Country Planning Act 1990 (use and development of consecrated land and burial grounds) apply to consecrated land and land comprised in a burial ground which an NHS foundation trust holds for any of its purposes as if—

- (a) the trust were a statutory undertaker, and
- (b) that land had been the subject of a relevant acquisition by the trust.

Commencement Information

I55 Sch. 4 para. 86 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

The Access to Health Records Act 1990 (c. 23)

87 The Access to Health Records Act 1990 is amended as follows.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I56 Sch. 4 para. 87 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 88 In section 11 (interpretation), in the definition of “health service body”, the “or” before paragraph (d) is omitted and after that paragraph there is inserted—
“(e) an NHS foundation trust”.

Commencement Information

I57 Sch. 4 para. 88 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Water Industry Act 1991 (c. 56)

- 89 The Water Industry Act 1991 is amended as follows.

Commencement Information

I58 Sch. 4 para. 89 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 90 In Schedule 4A (premises that are not to be disconnected for non-payment of charges), in paragraph 16, at the end there is inserted “ or by an NHS foundation trust ”.

Commencement Information

I59 Sch. 4 para. 90 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The London Local Authorities Act 1991 (c. xiii)

- 91 The London Local Authorities Act 1991 is amended as follows.

Commencement Information

I60 Sch. 4 para. 91 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 92 In section 4 (interpretation of Part 2), in paragraph (d) of the definition of “establishment for special treatment”, after “1990” there is inserted “ or by an NHS foundation trust ”.

Commencement Information

I61 Sch. 4 para. 92 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health Service Commissioners Act 1993 (c. 46)

- 93 The Health Service Commissioners Act 1993 is amended as follows.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I62 Sch. 4 para. 93 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 94 In section 2 (the bodies subject to investigation), in subsection (1), after paragraph (da) there is inserted—
“(db) NHS foundation trusts,”.

Commencement Information

I63 Sch. 4 para. 94 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Vehicle Excise and Registration Act 1994 (c. 22)

- 95 The Vehicle Excise and Registration Act 1994 is amended as follows.

Commencement Information

I64 Sch. 4 para. 95 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 96 In Schedule 2 (exempt vehicles), in paragraph 7, after the “or” at the end of paragraph (b) there is inserted—
“(ba) an NHS foundation trust, or”.

Commencement Information

I65 Sch. 4 para. 96 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Value Added Tax Act 1994 (c. 23)

- 97 The Value Added Tax Act 1994 is amended as follows.

Commencement Information

I66 Sch. 4 para. 97 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 98 In Schedule 8 (zero-rating), in the Notes to Group 12, in paragraph (5H), after paragraph (e) there is inserted—
“(eaa) an NHS foundation trust;”.

Commencement Information

I67 Sch. 4 para. 98 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Employment Rights Act 1996 (c. 18)

- 99 The Employment Rights Act 1996 is amended as follows.

Changes to legislation: *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Commencement Information

I68 Sch. 4 para. 99 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 100 In section 50 (right to time off for public duties), in subsection (8), after paragraph (a) there is inserted—
“(ab) an NHS foundation trust”.

Commencement Information

I69 Sch. 4 para. 100 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 101 In section 218 (change of employer), in subsection (10), after paragraph (c) there is inserted—
“(ca) NHS foundation trusts”.

Commencement Information

I70 Sch. 4 para. 101 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Housing Grants, Construction and Regeneration Act 1996 (c. 53)

- 102 The Housing Grants, Construction and Regeneration Act 1996 is amended as follows.

Commencement Information

I71 Sch. 4 para. 102 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 103 In section 3 (ineligible applicants), in subsection (2)(f), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I72 Sch. 4 para. 103 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Education Act 1996 (c. 56)

- 104 The Education Act 1996 is amended as follows.

Commencement Information

I73 Sch. 4 para. 104 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 105 In section 332 (duty of Health Authority, a Primary Care Trust or National Health Service trust to notify parent etc.), in subsection (1), for “or a National Health Service trust” there is substituted “, a National Health Service trust or an NHS foundation trust”.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I74 Sch. 4 para. 105 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Data Protection Act 1998 (c. 29)

106 The Data Protection Act 1998 is amended as follows.

Commencement Information

I75 Sch. 4 para. 106 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

107 In section 69 (meaning of “health professional”), in subsection (3), after paragraph (f) there is inserted—
“(fa) an NHS foundation trust;”.

Commencement Information

I76 Sch. 4 para. 107 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health Act 1999 (c. 8)

^{F11}108

Textual Amendments

F11 Sch. 4 para. 108 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F12}109

Textual Amendments

F12 Sch. 4 para. 109 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Care Standards Act 2000 (c. 14)

110 The Care Standards Act 2000 is amended as follows.

Commencement Information

I77 Sch. 4 para. 110 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

111 In section 42 (power to extend the application of Part 2), in subsection (2)(b)(ii), after “NHS trusts” there is inserted “, NHS foundation trusts”.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I78 Sch. 4 para. 111 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

112 In section 121 (general interpretation), in subsection (1), in the definition of “National Health Service body”, after “National Health Service trust,” there is inserted “ an NHS foundation trust, ”.

Commencement Information

I79 Sch. 4 para. 112 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Freedom of Information Act 2000 (c. 36)

113 The Freedom of Information Act 2000 is amended as follows.

Commencement Information

I80 Sch. 4 para. 113 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

114 In Part 3 of Schedule 1 (National Health Service), after paragraph 40 there is inserted—
“40A An NHS foundation trust.”

Commencement Information

I81 Sch. 4 para. 114 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Health and Social Care Act 2001 (c. 15)

^{F13}115

Textual Amendments

F13 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F13}116

Textual Amendments

F13 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

^{F13}117

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F13 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F13}118

Textual Amendments

F13 Sch. 4 paras. 115-118 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Anti-terrorism, Crime and Security Act 2001 (c. 24)

119 The Anti-terrorism, Crime and Security Act 2001 is amended as follows.

Commencement Information

I82 Sch. 4 para. 119 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

120 In Schedule 4 (extension of existing disclosure powers), at the end of Part 1 there is inserted—

“53A Paragraph 8(1) of Schedule 5 to the Health and Social Care (Community Health and Standards) Act 2003.”

Commencement Information

I83 Sch. 4 para. 120 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The International Development Act 2002 (c. 1)

121 The International Development Act 2002 is amended as follows.

Commencement Information

I84 Sch. 4 para. 121 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

122 In Schedule 1 (statutory bodies to which section 9 applies), there is inserted at the appropriate place— “ An NHS foundation trust ”.

Commencement Information

I85 Sch. 4 para. 122 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The National Health Service Reform and Health Care Professions Act 2002 (c. 17)

^{F14}123

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

F14 Sch. 4 para. 123 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

^{F15}124

Textual Amendments

F15 Sch. 4 para. 124 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006](#) (c. 43), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

The Adoption and Children Act 2002 (c. 38)

125 The Adoption and Children Act 2002 is amended as follows.

Commencement Information

I86 Sch. 4 para. 125 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

126 In section 8 (adoption support agencies), in subsection (2)(d), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

Commencement Information

I87 Sch. 4 para. 126 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Nationality, Immigration and Asylum Act 2002 (c. 41)

127 The Nationality, Immigration and Asylum Act 2002 is amended as follows.

Commencement Information

I88 Sch. 4 para. 127 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

128 In section 133 (medical inspectors), in subsection (4)(a), after sub-paragraph (ii) there is inserted—
“(ia) an NHS foundation trust.”

Commencement Information

I89 Sch. 4 para. 128 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

The Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

129 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.

Changes to legislation: Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

Commencement Information

190 Sch. 4 para. 129 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

130 In section 1 (meaning of “NHS body” and “qualifying hospital patient”), in subsection (1), in paragraph (a) of the definition of “NHS body”, after “trust;” there is inserted—

“(ab) an NHS foundation trust;”.

Commencement Information

191 Sch. 4 para. 130 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

Changes to legislation:

Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Sch. 4 para. 105 omitted by [2018 anaw 2 Sch. 1 para. 6\(e\)](#)
- Sch. 4 para. 104 and cross-heading omitted by [2018 anaw 2 Sch. 1 para. 6\(e\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(7)(i) modified (temp.) by [S.I. 2005/2925 art. 3\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Art. 3 of the affecting S.I. was revoked (20.3.2006) by [S.I. 2006/836](#), art. 3)