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SCHEDULES

SCHEDULE 2

NATIONAL HEALTH SERVICE TRUSTS

PART II

DUTIES, POWERS AND STATUS

Specific duties

- 6 (1) An NHS trust shall carry out effectively, efficiently and economically the functions for the time being conferred on it by an order under section 5(1) of this Act and by the provisions of this Schedule ^{F1} . . .

^{F2}(2)

Textual Amendments

- F1** Words in [Sch. 2 para. 6\(1\)](#) omitted (1.9.1999 for E. and 1.12.1999 for W.) by virtue of [1999 c. 8, s. 65\(1\)](#), [Sch. 4 para. 83\(4\)\(a\)](#); [S.I. 1999/2342, art. 2\(1\)](#), [Sch. 1](#); [S.I. 1999/3184, art. 2\(2\)](#), [Sch. 2](#); and those same words repealed (1.4.2000) by [1999 c. 8, s. 65\(2\)](#), [Sch. 5](#); [S.I. 2000/1041, art. 2\(d\)](#), [Sch.](#)
- F2** [Sch. 2 para. 6\(2\)](#) omitted (1.9.1999 for E. and 1.12.1999 for W.) by virtue of [1999 c. 8, s. 65\(1\)](#), [Sch. 4 para. 83\(4\)\(b\)](#); [S.I. 1999/2342, art. 2\(1\)](#), [Sch. 1](#); [S.I. 1999/3184, art. 2\(2\)](#), [Sch. 2](#); and para. 6(2) repealed (1.4.2000) by [1999 c. 8, s. 65\(2\)](#), [Sch. 5](#); [S.I. 2000/1041, art. 2\(d\)](#), [Sch.](#)

- 7 (1) For each accounting year an NHS trust shall prepare and send to the Secretary of State an annual report in such form as may be determined by the Secretary of State.
- (2) At such time or times as may be prescribed, an NHS trust shall hold a public meeting at which its audited accounts and annual report and any report on the accounts made pursuant to [^{F3}section 8 of the Audit of the Audit Commission Act 1998] shall be presented.
- (3) In such circumstances and at such time or times as may be prescribed, an NHS trust shall hold a public meeting at which such document as may be prescribed shall be presented.

Textual Amendments

- F3** Words in [Sch. 2 para. 7\(2\)](#) substituted (11.9.1998) by [1998 c. 18, ss. 54\(1\), 55\(2\)](#), [Sch. 3 para. 20](#)

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- 8 An NHS trust shall furnish to the Secretary of State such reports, returns and other information, including information as to its forward planning, as, and in such form as, he may require.
- 9 (1) An NHS trust shall be liable to pay—
- (a) to the chairman and any non-executive director of the trust remuneration of an amount determined by the Secretary of State, not exceeding such amount as may be approved by the Treasury;
 - (b) to the chairman and any non-executive director of the trust such travelling and other allowances as may be determined by the Secretary of State with the approval of the Treasury;
 - (c) to any member of a committee or sub-committee of the trust who is not also a director such travelling and other allowances as may be so determined.
- (2) If an NHS trust so determines in the case of a person who is or has been a chairman of the trust, the trust shall be liable to pay such pension, allowances or gratuities to or in respect of him as may be determined by the Secretary of State with the approval of the Treasury.
- (3) Different determinations may be made under sub-paragraph (1) or sub-paragraph (2) above in relation to different cases or descriptions of cases.

Modifications etc. (not altering text)

- C1 Sch. 2 para. 9(2): Treasury approval requirement continued (W.)(1.7.1999) by S.I. 1999/672, arts. 1(2), 2, Sch. 1

Specific powers

- 10 In addition to carrying out its other functions, an NHS trust may, as the provider, enter into NHS contracts.
- [^{F4}(2) An NHS trust may not, as the provider, enter into an NHS contract for the provision of high security psychiatric services unless the NHS trust is approved for the purpose of this paragraph by the Secretary of State.
- (3) Such approval—
- (a) shall be for a period specified in the approval,
 - (b) may be given subject to conditions, and
 - (c) may be amended or revoked at any time.]

Textual Amendments

- F4 Sch. 2 para. 10(2)(3) inserted (1.4.2000) by 1999 c. 8, s. 41(3); S.I. 1999/2793, art. 2(3)(a), Sch. 3

- 11 An NHS trust may undertake and commission research and make available staff and provide facilities for research by other persons.

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- 12 An NHS trust may—
- (a) provide training for persons employed or likely to be employed by the trust or otherwise in the provision of services under the principal Act; and
 - (b) make facilities and staff available in connection with training by a university or any other body providing training in connection with the health service.
- 13 An NHS trust may enter into arrangements for the carrying out, on such terms as seem to the trust to be appropriate, of any of its functions jointly [^{F5}with any Primary Care Trust][^{F6}or Local Health Board,] with any [^{F7}Strategic Health Authority,][^{F8}Health Authority or Special Health Authority], with another NHS trust or with any other body or individual.

Textual Amendments

- F5** Words in Sch. 2 para. 13 inserted (4.1.2000 for E. and otherwise *prosp.*) by 1999 c. 8, ss. 65(1), 67(1), Sch. 4 paras. 74, **83(5)**; S.I. 1999/2342, art. 2(3)(a), **Sch. 2**
- F6** Words in Sch. 2 para. 13 inserted (10.10.2002 for W. and otherwise in force immediately before the National Health Service Act 2006 (c. 41) (which Act came into force on 1.3.2007 in accordance with s. 227(1) (subject to s. 277(2)-(5) of that Act))) by 2002 c. 17, s. 6(2), **Sch. 5 para. 36(1)(3)**; S.I. 2002/2532, art. 2, **Sch.**; S.I. 2006/1407, arts. 1(1), 2, **Sch. 1 Pt. 2** {para. 12(c)}
- F7** Words in Sch. 2 para. 13 inserted (1.10.2002) by 2002 c. 17, s. 1(3), **Sch. 1 Pt. 2 para. 46(a)**; S.I. 2002/2478, **art. 3(1)(c)** (with art. 3(3) and transitional provision in art. 4)
- F8** Words in Sch. 2 para. 13 substituted (1.4.1996 subject to s. 8 of the amending Act) by 1995 c. 17, s. 2(1) (3), **Sch. 1 Pt. II para. 85(e)** (with Sch. 2 paras. 6, 16)

- 14 According to the nature of its functions, an NHS trust may make accommodation or services or both available for patients who give undertakings (or for whom undertakings are given) to pay, in respect of the accommodation or services (or both) such charges as the trust may determine.

Modifications etc. (not altering text)

- C2** Sch 2 para. 14 extended (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), ss. 34, 199(1), **Sch. 4 para. 85(a)**; S.I. 2004/759, **art. 2**

- 15 For the purpose of making additional income available in order better to perform its functions, an NHS trust shall have the powers specified in section 7(2) of the ^{M1}Health and Medicines Act 1988 (extension of powers of Secretary of State for financing the Health Service).

Marginal Citations

- M1** 1988 c. 49.

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[^{F9}15A An NHS Trust may arrange for the provision of accommodation and services outside England and Wales.]

Textual Amendments

F9 Sch. 2 para. 15A inserted (29.11.2002) by S.I. 2002/2759, reg. 4

General powers

- 16 (1) Subject to Schedule 3 to this Act, an NHS trust shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions, including in particular power—
- (a) to acquire and dispose of land and other property;
 - (b) to enter into such contracts as seem to the trust to be appropriate;
 - (c) to accept gifts of money, land or other property, including money, land or other property to be held on trust, either for the general or any specific purposes of the NHS trust or for all or any purposes relating to the health service; [^{F10}and
 - (d) to employ staff on such terms as the trust thinks fit.]
- (2) The reference in sub-paragraph (1)(c) above to specific purposes of the NHS trust includes a reference to the purposes of a specific hospital or other establishment or facility [^{F11}at or from which services are provided] by the trust.
- [^{F12}(3) An NHS trust may employ such staff as it thinks fit.
- (4) Subject to sub-paragraph (5) below, an NHS trust may—
- (a) pay its staff such remuneration and allowances, and
 - (b) employ them on such other terms and conditions,
- as it thinks fit.
- (5) An NHS trust shall—
- (a) in exercising its powers under sub-paragraph (4) above, and
 - (b) otherwise in connection with the employment of its staff,
- act in accordance with regulations and any directions given by the Secretary of State.
- (6) Before making any regulations under sub-paragraph (5) above, the Secretary of State shall consult such bodies as he may recognise as representing persons who, in his opinion, are likely to be affected by the regulations.]

Textual Amendments

F10 Sch. 2 para. 16(1)(d) and the word "and" preceding it repealed (1.10.2001 for E. by S.I. 2001/3294, art. 2 to the extent that s. 16(1)(d) is omitted by virtue of s. 6(3)(a) of the repealing Act, and otherwise in force immediately before the National Health Service Act 2006 (c. 43) (which Act came into force on 1.3.2007 in accordance with s. 277(1) (subject to s. 277(2)-(5)) of that Act) by Health and Social Care Act 2001 (c. 15), ss. 6(3)(a), 67(2), 70, Sch. 6 Pt. 1 (with ss. 64(9), 65(4)); S.I. 2006/1407, arts. 1(1)(2), 2, Sch. 1 Pt. 2 {para. 8(c)}

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- F11** Words in Sch. 2 para. 16(2) substituted (*retrospectively*) by 1999 c. 8, s. 13(8)(10); S.I. 1999/2540, art. 2(1)(a), Sch. 1; S.I. 1999/3184, art. 2(1), Sch. 1
- F12** Sch. 2 para. 16(3)-(6) inserted (1.10.2001 for E. and 24.1.2004 for W.) by 2001 c. 15, ss. 6(3)(b), 70 (with ss. 64(9), 65(4)); S.I. 2001/3294, art. 2; S.I. 2004/103, art. 2

- 17 (1) Without prejudice to the generality of paragraph 16 above, for or in respect of such of its employees as it may determine, an NHS trust may make such arrangements for providing pensions, allowances or gratuities as it may determine; and such arrangements may include the establishment and administration, by the trust or otherwise, of one or more pension schemes.
- (2) The reference in sub-paragraph (1) above to pensions, allowances or gratuities to or in respect of employees of an NHS trust includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the trust's employees who suffer loss of office or employment or loss or diminution of emoluments.

Status

- 18 An NHS trust shall not be regarded as the servant or agent of the Crown or, except as provided by this Act, as enjoying any status, immunity or privilege of the Crown; and an NHS trust's property shall not be regarded as property of, or property held on behalf of, the Crown.

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