



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART II

THE NATIONAL HEALTH SERVICE: SCOTLAND

National Health Service trusts

33 Trust property of NHS trusts.

After section 12F of the 1978 Act (as inserted by section 31 of this Act) there shall be inserted the following section—

“12G Trust property of NHS trusts.

- (1) Subject to subsection (2), an NHS trust shall have power to accept, hold and administer any property on trust for purposes relating to any service which it is their function to make arrangements for, administer or provide.
- (2) The Secretary of State may by order make such provision as he thinks appropriate in relation to the appointment of trustees in respect of an NHS trust for the purpose of holding in trust any property which is to be so held on behalf of the trust; and any such order may include provision as to the persons by whom, the manner in which, the conditions on which and the time within which, such trustees are to be appointed.
- (3) Where—
 - (a) section 82 applies in relation to any endowment or property which is held on trust by a Health Board; and
 - (b) that endowment or property is, by virtue of an order under section 12D, transferred to an NHS trust,

Changes to legislation: National Health Service and Community Care Act 1990, Section 33 is up to date with all changes known to be in force on or before 15 June 2023. 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](#)

section 82 shall apply to the use of that endowment or property by the trust as it applied to the use thereof by the Health Board.

- (4) Trustees appointed by virtue of subsection (2) shall cause proper accounts to be kept of the capital, income and expenditure vested in, received by and expended by them; and shall cause such accounts to be audited and an abstract thereof to be published in such manner as the Secretary of State may approve.”

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 31-33 repealed by [2004 asp 7 sch. 2](#)

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. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))