

SCHEDULES

SCHEDULE 4

AMENDMENTS OF ENACTMENTS

The 1990 Act

- 74 The 1990 Act is amended as follows.
- 75 In section 3(1)(a) (primary functions of Health Authorities and Special Health Authorities), for “11 or 13” there is substituted “16D”.
- 76 In section 4 (NHS contracts)—
- (a) in subsection (2)—
 - (i) after paragraph (b) there is inserted—
“*(bb)* a Primary Care Trust”,
 - (ii) after paragraph (f) there is inserted—
“*(ff)* the Commission for Health Improvement”,
 - (b) in subsections (6) and (7), the words from “and it shall” to the end are omitted.
- 77 In section 6 (transfer of staff to NHS trusts)—
- (a) for “or Special Health Authority” in each place there is substituted “Special Health Authority or Primary Care Trust”,
 - (b) in subsection (1)(a), after “responsibility of the” there is inserted “NHS”.
- 78 In section 7 (supplementary provisions as to transfer of staff), for “or Special Health Authority” there is substituted “Special Health Authority or Primary Care Trust”.
- 79 (1) Section 8 (transfer of property, rights and liabilities to NHS trust) is amended as follows.
- (2) In subsection (1)—
- (a) for “such” there is substituted “any”,
 - (b) for “Health Authority or Special Health Authority” there is substituted “Health Authority, Special Health Authority or Primary Care Trust”,
 - (c) the words from “as, in his opinion,” to the end are omitted.
- (3) In subsections (2), (3) and (5), for “Health Authority or Special Health Authority” there is substituted “Health Authority, Special Health Authority or Primary Care Trust”.
- (4) For subsection (6) there is substituted—
- “(6) Any property, rights and liabilities which—
 - (a) belong to, or are used or managed by, a Health Authority or Special Health Authority or belong to a Primary Care Trust, and

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- (b) are to be transferred to an NHS trust by or by virtue of an order under this section,
must be identified by agreement between the Health Authority, Special Health Authority or Primary Care Trust and the NHS trust or, in default of agreement, by direction of the Secretary of State.”
- 80 Section 18 (indicative amounts for doctors' practices) is omitted.
- 81 (1) Section 21 (schemes for meeting losses and liabilities etc. of certain health service bodies) is amended as follows.
- (2) In subsection (2)—
- (a) after “Special Health Authorities” there is inserted—
“(aaa) Primary Care Trusts”,
- (b) after “NHS trusts” there is inserted—
“(bb) the Commission for Health Improvement”.
- (3) In subsections (3) to (5), after “Special Health Authority” in each place where it appears there is inserted “Primary Care Trust”.
- 82 In section 61(3) (health service bodies: taxation), after “1991” there is inserted “or to a Primary Care Trust”.
- 83 (1) Schedule 2 (NHS trusts) is amended as follows.
- (2) In paragraph 3 (matters to be specified in order establishing NHS trust), in sub-paragraph (1)(f), after “which are” there is inserted “or the Primary Care Trust which is”.
- (3) In paragraph 4 (making staff available to new NHS trust), for “or Special Health Authority” in both places there is substituted “Special Health Authority or Primary Care Trust”.
- (4) In paragraph 6 (duties of NHS trusts)—
- (a) in sub-paragraph (1), the words following “Schedule”, and
- (b) sub-paragraph (2),
- are omitted.
- (5) In paragraph 13 (bodies with whom NHS trust can exercise functions jointly), after “jointly” there is inserted “with any Primary Care Trust,”.
- (6) Paragraphs 19 and 20 (re-imburement for health services work carried out otherwise than under NHS contract) are omitted.
- (7) In paragraph 30 (transfer of property etc. on dissolution of NHS trust), in sub-paragraph (1), after paragraph (bb) there is inserted—
“(bbb) a Primary Care Trust, or”.
- 84 (1) Schedule 3 (financial provisions relating to NHS trusts) is amended as follows.
- (2) In paragraph 6 (surplus funds)—
- (a) for “amount standing in the reserves of an NHS trust” there is substituted “sum held by an NHS trust otherwise than as trustee”,
- (b) for “that amount” there is substituted “that sum”.
- (3) For paragraph 7 (investment) there is substituted—

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“7 An NHS trust shall have power to invest money held by it in any investments, including investments which do not produce income, specified in directions under section 17 of the principal Act; but nothing in this paragraph applies in relation to money held by an NHS trust as trustee”.

(4) After that paragraph there is inserted—

“8 Any direction under section 17 of the principal Act with respect to—
(a) the power conferred on an NHS trust by paragraph 1 above; or
(b) the maximum amount which an NHS trust may invest in any investments or class of investments,
may be given only with the consent of the Treasury.”