



# Health and Social Care (Community Health and Standards) Act 2003

## 2003 CHAPTER 43

### PART 1

#### NHS FOUNDATION TRUSTS

##### *Introductory*

#### <sup>F1</sup> NHS foundation trusts

.....

##### **Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

#### <sup>F1</sup> Independent Regulator of NHS Foundation Trusts

.....

##### **Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**F13 General duty of regulator**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Authorisation*

**F14 Applications by NHS trusts**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c.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 Other applications**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F16 Authorisation of NHS foundation trusts**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F17 Effect of authorisation**

.....

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)*

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F18 Amendments of constitution**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F19 Variation of authorisation**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F110 Register of NHS foundation trusts**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Financial matters*

**F111 Power of Secretary of State to give financial assistance**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)*

**F1 12 Prudential borrowing code**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 13 Public dividend capital**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Functions*

**F1 14 Authorised services**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 15 Private health care**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 16 Protection of property**

.....

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F117 Financial powers**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F118 General powers**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F119 Information**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F120 Entry and inspection of premises**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

PROSPECTIVE

**F121 Fees**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F122 Trust funds and trustees**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Failure*

**F123 Failing NHS foundation trusts**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F124 Voluntary arrangements**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F125 Dissolution etc.**

.....

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)*

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F126 Sections 24 and 25: supplementary**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Mergers*

**F127 Mergers**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F128 Section 27: supplementary**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Co-operation*

**F129 Co-operation between NHS bodies**

.....

Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Patient and public involvement*

**F1 30 Public involvement and consultation**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 31 Patients' Forums**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 32 Commission for Patient and Public Involvement in Health**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Miscellaneous*

**33 Taxation**

(1) In section 519A of the Income and Corporation Taxes Act 1988 (c. 1) (taxation of health service bodies), in subsection (2), after paragraph (b) there is inserted—  
“(bb) an NHS foundation trust”.

**F2**(2).....



*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)*

(3) In section 41 of the Value Added Tax Act 1994 (c. 23) (application to the Crown), in subsection (7), after “1978” there is inserted “ an NHS foundation trust ”.

**Textual Amendments**

**F2** S. 33(2) 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](#))

**Commencement Information**

**I1** S. 33 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

**34 Other amendments relating to NHS foundation trusts**

Schedule 4 (which makes amendments relating to NHS foundation trusts) has effect.

**Commencement Information**

**I2** S. 34 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

**<sup>F3</sup>35 Conduct of elections**

**Textual Amendments**

**F3** [Ss. 35-40](#) 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](#))

**<sup>F3</sup>36 Offence**

**Textual Amendments**

**F3** [Ss. 35-40](#) 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](#))

**<sup>F3</sup>37 Representative membership**

**Textual Amendments**

**F3** [Ss. 35-40](#) 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](#))

*Status: Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**F338 Audit**

.....

**Textual Amendments**

**F3** Ss. 35-40 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)

**F339 General duty of NHS foundation trusts**

.....

**Textual Amendments**

**F3** Ss. 35-40 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)

*Supplementary*

**F340 Interpretation of Part 1**

.....

**Textual Amendments**

**F3** Ss. 35-40 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)

**Status:**

Point in time view as at 01/03/2007. This version of this part contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1.