

## SCHEDULES

### SCHEDULE 15

Section 232

#### ACCOUNTS AND AUDIT

##### *NHS bodies*

- 1 (1) The following are NHS bodies for the purposes of this Schedule—
- (a) any Strategic Health Authority,
  - (b) any Special Health Authority to which sub-paragraph (2) applies,
  - (c) any Primary Care Trust,
  - (d) any NHS trust all or most of whose hospitals, establishments and facilities are situated in England,
  - (e) any trustees for such an NHS trust appointed under paragraph 10 of Schedule 4,
  - (f) any special trustees appointed as mentioned in section 212(1) for a trust all or most of whose hospitals, establishments and facilities are situated in England,
  - (g) any trustees for a Primary Care Trust appointed under paragraph 12 of Schedule 3.
- (2) This sub-paragraph applies to any Special Health Authority which—
- (a) performs functions only or mainly in respect of England, or
  - (b) neither performs functions only or mainly in respect of England, nor performs functions only or mainly in respect of Wales.

##### *Accounts to be kept by NHS bodies*

- 2 (1) Each NHS body must keep proper accounts and proper records in relation to the accounts.
- (2) If the Secretary of State so directs with the approval of the Treasury, the accounts of any such body of a description specified in the direction must be kept in such form as is so specified.
- (3) This paragraph is subject to paragraph 8(2).

##### *Preparation of annual accounts*

- 3 (1) Each NHS body must prepare in respect of each financial year annual accounts in such form as the Secretary of State may direct with the approval of the Treasury.
- (2) This paragraph is subject to paragraph 8(3).

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*Status: This is the original version (as it was originally enacted).*

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#### *Auditing of accounts of certain NHS bodies*

- 4 (1) This paragraph applies to any NHS body that is not a Special Health Authority (as to which, see paragraph 6).
- (2) Any annual accounts prepared by any such body under paragraph 3 must be audited in accordance with the Audit Commission Act 1998 (c. 18) by an auditor or auditors appointed by the Audit Commission (see section 2(1)(b) of that Act).
- (3) The Comptroller and Auditor General may examine—
- (a) any such accounts and any records relating to them, and
  - (b) any report on them by the auditor or auditors.
- (4) “The Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales.

#### *Transmission of annual accounts*

- 5 (1) Each NHS body that is not a Special Health Authority must send a copy of any accounts of the body audited as mentioned in paragraph 4(2) to the Secretary of State by the specified date.
- (2) If the body is a Primary Care Trust, it must also send a copy of any such accounts to any Strategic Health Authority whose area includes any part of the Primary Care Trust’s area.
- (3) Each Special Health Authority that is an NHS body must send copies of any annual accounts prepared by it under paragraph 3—
- (a) to the Secretary of State by the specified date, and
  - (b) to the Comptroller and Auditor General as soon as is reasonably practicable following the end of the financial year in question.
- (4) The “specified date”, in relation to a financial year, means such date as the Secretary of State may direct in relation to that year.

#### *Auditing of certain Special Health Authority accounts by Comptroller and Auditor General*

- 6 (1) This paragraph applies where a Special Health Authority that is an NHS body sends a copy of its annual accounts to the Comptroller and Auditor General under paragraph 5(3).
- (2) The Comptroller and Auditor General must examine, certify and report on the accounts.
- (3) The Special Health Authority must lay before both Houses of Parliament—
- (a) a copy of the accounts, and
  - (b) the Comptroller and Auditor General’s report on them.

#### *Summarised accounts of NHS bodies other than Special Health Authorities*

- 7 (1) This paragraph applies in relation to NHS bodies that are not Special Health Authorities.
- (2) The Secretary of State must prepare summarised accounts relating to such bodies in respect of each financial year.

- (3) Sub-paragraph (2) is subject to paragraphs 8(3) and 9(2).
- (4) The summarised accounts must be prepared in such form as the Treasury may direct.
- (5) The Secretary of State must transmit the summarised accounts to the Comptroller and Auditor General not later than the end of the month of November following the financial year to which they relate.
- (6) The Comptroller and Auditor General must —
  - (a) examine and certify the summarised accounts, and
  - (b) lay copies of them and his report on them before both Houses of Parliament.
- (7) This paragraph has effect subject to any provision made under section 14(1) of the Government Resources and Accounts Act 2000 (c. 20) (power to disapply this paragraph in relation to specified bodies and years).

*Exceptions for accounts of charitable trusts*

- 8 (1) For the purposes of this paragraph a “relevant charitable trust”, in relation to an NHS body, means a charitable trust whose trustee or trustees is or are that body.
- (2) Nothing in paragraph 2, so far as it applies to an NHS body of any description, has effect in relation to accounts relating to a relevant charitable trust.
- (3) Nothing in paragraph 3 or 7, so far as it applies to an NHS body of any description, requires any annual or summarised accounts prepared by or in relation to the body to include matters relating to a relevant charitable trust.

*Exceptions for accounts of non-charitable trusts*

- 9 (1) For the purposes of this paragraph a “relevant non-charitable trust”, in relation to an NHS body, means a trust which is not a charitable trust and whose trustee or trustees is or are that body.
- (2) Nothing in paragraph 7, so far as it relates to an NHS body of any description, requires any summarised accounts prepared in relation to the body to include matters relating to a relevant non-charitable trust.