



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 4

#### NHS FOUNDATION TRUSTS & NHS TRUSTS

##### *Abolition of NHS trusts*

#### **179 Abolition of NHS trusts in England**

- (1) The NHS trusts established under section 25 of the National Health Service Act 2006 are abolished.
- (2) Chapter 3 of Part 2 of that Act (NHS trusts) is repealed.
- (3) Where arrangements (“franchise arrangements”) under which a person exercises (or is to exercise) the main functions of an NHS trust on behalf of the trust are in force immediately before the commencement of this section, the trust is to continue after that commencement to be constituted as an NHS trust until—
  - (a) it is dissolved or becomes, merges with or is acquired by an NHS foundation trust,
  - (b) where none of those events occurs before the end of the period of three years beginning with the day on which the franchise arrangements come to an end, the end of that period, or
  - (c) where other franchise arrangements come into force before the end of that period, the end of the period of three years beginning with the day on which those other franchise arrangements or any subsequent franchise arrangements come to an end.
- (4) In subsection (3)(c), the reference to subsequent franchise arrangements is a reference to franchise arrangements which come into force before the end of the period of three years beginning with the day on which the preceding franchise arrangements come to an end.
- (5) For the purposes of subsection (3)—

---

*Status: This is the original version (as it was originally enacted).*

---

- (a) Chapter 3 of Part 2 of the National Health Service Act 2006 is, despite subsection (2), to continue to have effect,
- (b) the amendments made by Schedule 14 are not to have effect (and subsection (6) is to be read accordingly), and
- (c) the amendments made by paragraph 9 of Schedule 21 are not to have effect (and section 297 is to be read accordingly).

(6) Schedule 14 (which contains consequential amendments) has effect.

## **180 Repeal of provisions on authorisation for NHS foundation trusts**

- (1) Omit section 33 of the National Health Service Act 2006 (application by NHS trust for authorisation).
- (2) Omit section 35 of that Act (authorisation of NHS foundation trust).
- (3) Omit section 36(1), (3) and (4) of that Act (NHS trust to become NHS foundation trust on being given authorisation but retain liabilities); in consequence of that, omit section 88 of this Act (licences to provide health care services: NHS foundation trusts).
- (4) For the title to section 36 of that Act substitute “Status etc. of NHS foundation trusts”.
- (5) For the cross-heading preceding section 33 of that Act substitute “Status etc. of NHS foundation trusts”.
- (6) Omit paragraph 19 of Schedule 7 to that Act and the preceding cross-heading (initial directors of former NHS trust).
- (7) Despite the preceding provisions of this section, sections 33, 35 and 36(1), (3) and (4) of, and paragraph 19 of Schedule 7 to, that Act, and section 88(1) and (2) of this Act, continue to have effect in the case of an NHS trust continuing in existence by virtue of section 179(3).
- (8) The repeal by subsection (3) of section 36(4) of that Act does not affect the continuity of anything continuing by virtue of that provision immediately before the commencement of this section.