

Changes to legislation: Health and Social Care Act 2012, PART 10 is up to date with all changes known to be in force on or before 20 April 2024. 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

SCHEDULES

SCHEDULE 4

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

PART 10

PROPERTY AND FINANCE

- 108 (1) Section 211 (acquisition, use and maintenance of property) is amended as follows.
- (2) In subsection (4) for “A local social services authority” substitute “A local authority”.
- (3) After that subsection insert—
- “(4A) In subsection (4), “local authority” has the same meaning as in section 2B.”

Commencement Information

- I1** Sch. 4 para. 108 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 109 In section 213 (transfers of trust property), in subsection (2)(c)—
- ^{F1}(a)
- (b) omit “a Primary Care Trust.”

Textual Amendments

- F1** Sch. 4 para. 109(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), Sch. 1 para. 16(a); S.I. 2021/712, reg. 3(c)

Commencement Information

- I2** Sch. 4 para. 109(b) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 110 (1) Section 214 (transfer of functions and property to or from special trustees) is amended as follows.
- (2) In subsection (1)—
- (a) after the first “by” insert “the Board, a clinical commissioning group,”, and
- (b) omit “a Primary Care trust.”
- (3) In subsection (3)(a)—
- ^{F2}(a)
- (b) omit “a Primary Care Trust.”

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Textual Amendments

F2 Sch. 4 para. 110(3)(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), **Sch. 1 para. 16(a)**; S.I. 2021/712, reg. 3(c)

Commencement Information

I3 Sch. 4 para. 110(1) in force at 1.10.2012 for specified purposes by S.I. 2012/1831, **art. 2(2)**
I4 Sch. 4 para. 110(1) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
I5 Sch. 4 para. 110(2)(a) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**
I6 Sch. 4 para. 110(2)(b)(3)(b) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

111 (1) Section 215 (trustees and property under section 222) is amended as follows.

(2) Omit subsection (2)(b) and the preceding “and”.

(3) In subsection (3)—

^{F3}(a)
 (b) omit paragraph (a).

(4) In subsection (4)—

(a) after the second “and” insert “the Board, clinical commissioning group,”,
 (b) omit “the Primary Care Trust,” (in each place it occurs), and
 (c) after the second “by” insert “the Board, clinical commissioning group,”.

Textual Amendments

F3 Sch. 4 para. 111(3)(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), **Sch. 1 para. 16(a)**; S.I. 2021/712, reg. 3(c)

Commencement Information

I7 Sch. 4 para. 111(1) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**
I8 Sch. 4 para. 111(1) in force at 1.4.2013 in so far as not already in force by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
I9 Sch. 4 para. 111(2)(3)(b)(4)(b) in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
I10 Sch. 4 para. 111(4)(a)(c) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**

112 In section 216 (application of trust property: further provisions), in subsection (3), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.

Commencement Information

I11 Sch. 4 para. 112 in force at 1.7.2012 by S.I. 2012/1319, **art. 2(3)**
I12 Sch. 4 para. 112 in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**

113 In section 217 (trusts: supplementary provisions), in subsection (1)—

^{F4}(a)
 (b) omit paragraph (f), and
 (c) omit paragraph (g).

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Textual Amendments

F4 Sch. 4 para. 113(a) omitted (17.6.2021) by virtue of NHS (Charitable Trusts Etc) Act 2016 (c. 10), s. 5(1), Sch. 1 para. 16(a); S.I. 2021/712, reg. 3(c)

Commencement Information

I13 Sch. 4 para. 113(b)(c) in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 114 In section 218 (private trusts for hospitals), in subsection (4)—
- (a) in paragraph (b) omit “or Primary Care Trust”,
 - (b) in paragraph (c) omit “or Primary Care Trust” (in both places where it occurs), and
 - (c) for paragraph (d) substitute —
 - “(d) in any other case—
 - (i) where the hospital is vested in the Secretary of State, the Special Health Authority exercising functions of the Secretary of State in respect of it or, where there is no such Special Health Authority, the Secretary of State,
 - (ii) where the Welsh Ministers have functions in respect of the hospital, the Special Health Authority or Local Health Board exercising those functions.”

Commencement Information

I14 Sch. 4 para. 114 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

- 115 In section 220 (trust property previously held for general hospital purposes), in subsection (2), after “or 214” insert “of this Act or section 300 or 302 of the Health and Social Care Act 2012”.

Commencement Information

I15 Sch. 4 para. 115 in force at 1.7.2012 by S.I. 2012/1319, art. 2(3)

I16 Sch. 4 para. 115 in force at 1.10.2012 by S.I. 2012/1831, art. 2(2)

- 116 (1) Section 222 (power to raise money) is amended as follows.
- (2) In subsection (3) for “the Secretary of State” substitute “the appropriate authority”.
 - (3) After subsection (3) insert—
 - “(3A) In subsection (3) “appropriate authority” means—
 - (a) in relation to a clinical commissioning group, the Board, and
 - (b) in relation to any other body to which this section applies, the Secretary of State.”
 - (4) In subsection (9), for “section 224 or 226” substitute “section 225”.

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I17 Sch. 4 para. 116 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 117 (1) In section 223 (formation of companies), in each of subsections (1), (2) and (5) after “Secretary of State” insert “or the Board”.
- (2) After that section insert—

“223A Application of section 223 to clinical commissioning groups

- (1) Section 223 applies in relation to a clinical commissioning group as it applies in relation to the Board.
- (2) But the powers conferred by that section are exercisable by a clinical commissioning group only for the purpose of securing improvement—
- (a) in the physical and mental health of the people for whom it has responsibility for the purposes of section 3, or
 - (b) in the prevention, diagnosis and treatment of illness in such people.”

Commencement Information

I18 Sch. 4 para. 117(1) in force at 1.10.2012 by S.I. 2012/1831, **art. 2(2)**

I19 Sch. 4 para. 117(2) in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 118 Omit section 224 (means of meeting expenditure of Strategic Health Authorities).

Commencement Information

I20 Sch. 4 para. 118 in force at 1.4.2013 by S.I. 2013/160, **art. 2(2)** (with arts. 7-9)

- 119 (1) Section 226 (financial duties of Strategic Health Authorities and Special Health Authorities) is amended as follows.
- (2) Omit subsection (1).
- (3) In subsection (3) —
- (a) omit “Strategic Health Authority or”, and
 - (b) for “subsection (1) or (2)” substitute “subsection (2)”.
- (4) In subsection (4) omit “Strategic Health Authority or” (in each place where it occurs).
- (5) In subsection (5) omit “Strategic Health Authority or”.
- (6) In subsection (6) omit “Strategic Health Authority or”.
- (7) In subsection (7)—
- (a) in paragraph (a) omit “specified Strategic Health Authority or”,
 - (b) omit paragraph (b)(i) and the word “or” immediately following it, and
 - (c) omit paragraph (c)(i) and the word “or” immediately following it, and
 - (d) in the words following paragraph (c) omit “Strategic Health Authority or”.
- (8) In the heading to the section, omit “Strategic Health Authorities and”.

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I21 Sch. 4 para. 119 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

120 (1) Section 227 (resource limits for Strategic Health Authorities and Special Health Authorities) is amended as follows.

(2) In subsection (1), omit “Strategic Health Authority and each”.

(3) In subsection (2)(b) omit “Strategic Health Authority or”.

(4) In subsection (3) omit “Strategic Health Authority or”.

(5) In subsection (4) for “subsections (1) and (2)” substitute “subsection (2)”.

(6) In the heading to the section, omit “Strategic Health Authorities and”.

Commencement Information

I22 Sch. 4 para. 120 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

121 Omit sections 228 to 231 (funding of Primary Care Trusts etc).

Commencement Information

I23 Sch. 4 para. 121 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

122 In section 234 (special arrangement as to payment of remuneration), omit subsection (4).

Commencement Information

I24 Sch. 4 para. 122 in force at 1.4.2013 by S.I. 2013/160, art. 2(2) (with arts. 7-9)

123 (1) Section 236 (payment for medical examination before application for admission to hospital under the Mental Health Act) is amended as follows.

(2) In subsection (1), for “the Secretary of State” substitute “the prescribed clinical commissioning group”.

(3) In subsection (2)(b)—

(a) after “report made” insert “—
(i)”,

(b) omit “a Primary Care Trust”,

(c) before “NHS trust” insert “an”, and

(d) at the end insert “, or

(ii) pursuant to arrangements made by the National Health Service Commissioning Board or a clinical commissioning group, or

(iii) pursuant to arrangements made in the exercise (by any person) of the public health functions of the Secretary of State or a local authority.”

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Commencement Information

- I25** Sch. 4 para. 123 partly in force; Sch. 4 para. 123 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I26** Sch. 4 para. 123 in force at 1.4.2013 in so far as not already in force by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

124 Omit Schedule 14 (further provision about expenditure of Primary Care Trusts).

Commencement Information

- I27** Sch. 4 para. 124 in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 7-9](#))

- 125 (1) Schedule 15 (accounts and audits) is amended as follows.
- (2) In paragraph 1(1)—
- (a) omit paragraph (a),
 - (b) omit paragraph (c), and
 - (c) omit paragraph (g).
- (3) In paragraph 5, omit sub-paragraph (2).
- (4) Omit paragraph 7.
- (5) In paragraph 8(3) omit “or 7”.
- (6) Omit paragraph 9.

Commencement Information

- I28** Sch. 4 para. 125(1)-(3) in force at 1.4.2013 by [S.I. 2013/160](#), **art. 2(2)** (with [arts. 4, 5, 7-9](#))
- I29** Sch. 4 para. 125(4)-(6) in force at 1.10.2012 by [S.I. 2012/1831](#), **art. 2(2)** (with [art. 11\(1\)](#))

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)