

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.”
- 109 In section 213 (transfers of trust property), in subsection (2)(c)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and
- (b) omit “a Primary Care Trust.”
- 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)—
- (a) after “for” insert “the Board or a clinical commissioning group,”, and
- (b) omit “a Primary Care Trust,”.
- 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)—
- (a) before paragraph (a) insert—
- “(za) on trust for any purposes of the Board for which trustees have been appointed under paragraph 11 of Schedule A1,
- (zb) on trust for any purposes of a clinical commissioning group for which trustees have been appointed under paragraph 15 of Schedule 1A,”, and
- (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

Status: This is the original version (as it was originally enacted).

- (c) after the second “by” insert “the Board, clinical commissioning group,”.
- 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”.
- 113 In section 217 (trusts: supplementary provisions), in subsection (1)—
 - (a) after paragraph (e) insert—
 - “(ea) paragraph 11 of Schedule A1,
 - (eb) paragraph 15 of Schedule 1A,”
 - (b) omit paragraph (f), and
 - (c) omit paragraph (g).
- 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.”
- 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”.
- 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”.
- 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.

Status: This is the original version (as it was originally enacted).

- (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.”
- 118 Omit section 224 (means of meeting expenditure of Strategic Health Authorities).
- 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”.
- 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”.
- 121 Omit sections 228 to 231 (funding of Primary Care Trusts etc).
- 122 In section 234 (special arrangement as to payment of remuneration), omit subsection (4).
- 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),

Status: This is the original version (as it was originally enacted).

- (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.”

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

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.