



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 4

#### NHS FOUNDATION TRUSTS & NHS TRUSTS

##### *Mergers, acquisitions, separations and dissolution*

#### **172 Supplementary**

- (1) In section 57 of the National Health Service Act 2006 (mergers: supplementary), in subsection (1)—
  - (a) for “an authorisation is given under section 56” substitute “an application is granted under section 56 or 56B”, and
  - (b) at the end insert “or trusts”.
- (2) In subsection (2) of that section—
  - (a) for “such an authorisation is given, the Secretary of State” substitute “such an application is granted, the regulator”, and
  - (b) in paragraph (a), after “dissolving the” insert “trust or”, and
  - (c) in paragraph (b), at the end insert “or trusts”.
- (3) After that subsection insert—

“(2A) An order under section 56 or 56B is conclusive evidence of incorporation and conclusive evidence that the corporation is an NHS foundation trust.”
- (4) In subsection (3)(a) of that section, for “section 54(3)” substitute “section 54(4)”.
- (5) In subsection (4) of that section—
  - (a) for “section 56(1) and (2)” substitute “sections 56(2) and 56B(3)”, and
  - (b) for “section 54(4)(a) to (c)” substitute “section 54(4)(a) or (c)”.
- (6) In subsection (5) of that section, after “section 56” insert “or 56A”.
- (7) Omit subsection (6) of that section.

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*Changes to legislation: Health and Social Care Act 2012, Section 172 is up to date with all changes known to be in force on or before 19 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*

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- (8) For the title to that section substitute “Sections 56 to 56B: supplementary”.
- (9) For the cross-heading preceding section 56 of that Act substitute “Mergers, acquisitions and separations”.
- (10) In section 64 of that Act (orders and regulations under Chapter 5 of Part 2 of that Act), in subsection (4)—
- (a) omit the “or” following paragraph (b), and
  - (b) after paragraph (c), insert “, or
  - (d) section 57A.”
- (11) After that subsection insert—
- “(4A) The Statutory Instruments Act 1946 applies in relation to the power of the regulator to make an order under section 57 or 57A as if the regulator were a Minister of the Crown.”
- (12) In section 271(3)(b) of that Act (territorial limit of exercise of functions under Chapter 5), for “Part 1” substitute “Part 2”.

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**Commencement Information**

- I1** S. 172(1)-(3)(5)(a) in force at 1.4.2013 by [S.I. 2013/671](#), [art. 2\(3\)](#)
- I2** S. 172(4)(5)(b)(6)-(12) in force at 1.4.2013 immediately before the coming into force of section 173 in accordance with art. 2(3) by [S.I. 2013/671](#), [art. 2\(2\)](#)

**Changes to legislation:**

Health and Social Care Act 2012, Section 172 is up to date with all changes known to be in force on or before 19 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.

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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\(5\)](#)