



Health and Social Care Act 2012

2012 CHAPTER 7

PART 4

NHS FOUNDATION TRUSTS & NHS TRUSTS

Mergers, acquisitions, separations and dissolution

168 Mergers

- (1) In section 56 of the National Health Service Act 2006 (mergers), in subsection (1)—
 - (a) in paragraph (b), after “NHS trust” insert “established under section 25”, and
 - (b) for the words from “authorisation” to the end substitute “the dissolution of the trusts and the establishment of a new NHS foundation trust.”
- (2) After that subsection insert—

“(1A) An application under this section may be made only with the approval of more than half of the members of the council of governors of each applicant (that is an NHS foundation trust).”
- (3) In subsection (2) of that section, omit—
 - (a) paragraph (c) (but not the “and” following it), and
 - (b) the words from “and must give” to the end.
- (4) Omit subsection (3) of that section.
- (5) For subsection (4) of that section substitute—

“(4) The regulator must grant the application if it is satisfied that such steps as are necessary to prepare for the dissolution of the trusts and the establishment of the proposed new trust have been taken.”
- (6) Omit subsections (5) to (10) of that section.
- (7) In subsection (11) of that section, for “On an authorisation being given under this section” substitute “On the grant of the application”.