



# Health and Social Care (Community Health and Standards) Act 2003

## 2003 CHAPTER 43

### PART 1

#### NHS FOUNDATION TRUSTS

##### *Introductory*

#### <sup>F1</sup> NHS foundation trusts

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##### **Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

#### <sup>F1</sup> Independent Regulator of NHS Foundation Trusts

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##### **Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Status: Point in time view as at 01/04/2023. This version of this part contains provisions that are prospective.*

**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**F13 General duty of regulator**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Authorisation*

**F14 Applications by NHS trusts**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F15 Other applications**

.....

**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F16 Authorisation of NHS foundation trusts**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F17 Effect of authorisation**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F18 Amendments of constitution**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F19 Variation of authorisation**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

**F110 Register of NHS foundation trusts**

.....

**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

*Financial matters*

**F111 Power of Secretary of State to give financial assistance**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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**F1 12 Prudential borrowing code**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 13 Public dividend capital**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Functions*

**F1 14 Authorised services**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 15 Private health care**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 16 Protection of property**

.....

*Status: Point in time view as at 01/04/2023. This version of this part contains provisions that are prospective.*

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**Textual Amendments**

- F1 Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 17 Financial powers**

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**Textual Amendments**

- F1 Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 18 General powers**

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**Textual Amendments**

- F1 Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 19 Information**

.....

**Textual Amendments**

- F1 Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 20 Entry and inspection of premises**

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**Textual Amendments**

- F1 Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

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PROSPECTIVE

**F121 Fees**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

**F122 Trust funds and trustees**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

*Failure*

**F123 Failing NHS foundation trusts**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

**F124 Voluntary arrangements**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 4](#) (with [Sch. 2 Pt. 1, Sch. 3 Pt. 1](#))

**F125 Dissolution etc.**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F126 Sections 24 and 25: supplementary**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Mergers*

**F127 Mergers**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F128 Section 27: supplementary**

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**Textual Amendments**

- F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Co-operation*

**F129 Co-operation between NHS bodies**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Patient and public involvement*

**F1 30 Public involvement and consultation**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 31 Patients' Forums**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F1 32 Commission for Patient and Public Involvement in Health**

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**Textual Amendments**

**F1** Ss. 1-32 repealed (1.3.2007 coming into force in accordance with s. 8(4)-(6) of the amending Act) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Miscellaneous*

**33 Taxation**

**F2**(1) .....

**F3**(2) .....

(3) In section 41 of the Value Added Tax Act 1994 (c. 23) (application to the Crown), in subsection (7), after “1978” there is inserted “ an NHS foundation trust ”.



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#### Textual Amendments

- F2** S. 33(1) repealed (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F3** S. 33(2) repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

#### Commencement Information

- I1** S. 33 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

### 34 Other amendments relating to NHS foundation trusts

Schedule 4 (which makes amendments relating to NHS foundation trusts) has effect.

#### Commencement Information

- I2** S. 34 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

### <sup>F4</sup>35 Conduct of elections

#### Textual Amendments

- F4** Ss. 35-40 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### <sup>F4</sup>36 Offence

#### Textual Amendments

- F4** Ss. 35-40 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

### <sup>F4</sup>37 Representative membership

#### Textual Amendments

- F4** Ss. 35-40 repealed (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 4](#) (with [Sch. 2 Pt. 1](#), [Sch. 3 Pt. 1](#))

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**Changes to legislation:** There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1. (See end of Document for details)

**F<sup>4</sup>38 Audit**

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**Textual Amendments**

**F4** Ss. 35-40 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**F<sup>4</sup>39 General duty of NHS foundation trusts**

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**Textual Amendments**

**F4** Ss. 35-40 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

*Supplementary*

**F<sup>4</sup>40 Interpretation of Part 1**

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**Textual Amendments**

**F4** Ss. 35-40 repealed (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1, Sch. 3 Pt. 1)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Health and Social Care (Community Health and Standards) Act 2003, Part 1.