



# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

### CHAPTER 5

#### NHS FOUNDATION TRUSTS

#### *Miscellaneous*

#### **58 Taxation**

Section 61(3) of the National Health Service and Community Care Act 1990 (c. 19) (health service bodies: stamp duty) applies to an NHS foundation trust as it applies to an NHS trust.

#### **59 Conduct of elections**

- (1) Regulations may make provision as to the conduct of elections for membership of the board of governors of an NHS foundation trust.
- (2) The regulations may in particular provide for—
  - (a) nomination of candidates and obligations to declare their interests,
  - (b) systems and methods of voting, and the allocation of places on the board of governors, at contested elections,
  - (c) filling of vacancies,
  - (d) supervision of elections,
  - (e) elections expenses and publicity,
  - (f) questioning of elections and the consequences of irregularities.

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*Status: Point in time view as at 01/04/2008.*

*Changes to legislation: National Health Service Act 2006, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 08 September 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)*

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- (3) Regulations under this section may create offences punishable on summary conviction with a maximum fine not exceeding level 4 on the standard scale.
- (4) An NHS foundation trust must secure that its constitution is in accordance with regulations under this section.
- (5) Pending the coming into force of regulations under this section, elections for membership of the board of governors of an NHS foundation trust, if contested, must be by secret ballot.

## **60 Voting and standing for election**

- (1) A person may not vote at an election for the board of governors of an NHS foundation trust unless, within the specified period, he has made a declaration in the specified form of the particulars of his qualification to vote as a member of the constituency, or class within a constituency, for which the election is being held.
- (2) A person may not stand for election to the board unless—
  - (a) he has within the specified period made a declaration in the specified form of the particulars of his qualification to vote as a member of the constituency, or class within a constituency, for which the election is being held, and
  - (b) he is not prevented from being a member of the board by paragraph 8 of Schedule 7.
- (3) A person elected to the board may not vote at a meeting of the board unless—
  - (a) he has within the specified period made a declaration in the specified form of the particulars of his qualification to vote as a member of the trust, and
  - (b) he is not prevented from being a member of the board by paragraph 8 of Schedule 7.
- (4) This section does not apply to an election held for the staff constituency.
- (5) “Specified” means specified in the trust's constitution.
- (6) A person is guilty of an offence if he—
  - (a) makes a declaration under this section which he knows to be false in a material particular, or
  - (b) recklessly makes such a declaration which is false in a material particular.
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

## **61 Representative membership**

An authorisation may require an NHS foundation trust to take steps to secure that (taken as a whole) the actual membership of any public constituency and (if there is one) of the patients' constituency is representative of those eligible for such membership.

## **62 Audit**

Schedule 10 makes provision in relation to the audit of accounts of NHS foundation trusts.

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## **63 General duty of NHS foundation trusts**

An NHS foundation trust must exercise its functions effectively, efficiently and economically.

**Status:**

Point in time view as at 01/04/2008.

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