



NHS (Charitable Trusts Etc) Act 2016

2016 CHAPTER 10

Removal of powers to appoint trustees

1 Removal of Secretary of State's powers to appoint trustees **E+W**

- (1) In the National Health Service Act 2006 (“the 2006 Act”) omit the following provisions—
 - (a) section 51 (foundation trusts: trust funds and trustees),
 - (b) section 212 (special trustees for a university hospital or teaching hospital),
 - (c) paragraph 11 of Schedule A1 (the National Health Service Commissioning Board: trust funds and trustees) and the italic heading before that paragraph,
 - (d) paragraph 15 of Schedule 1A (clinical commissioning groups: trust funds and trustees) and the italic heading before that paragraph, and
 - (e) paragraph 9 of Schedule 6 (Special Health Authorities: trust funds and trustees).
- (2) The Secretary of State may by regulations made by statutory instrument make such provision as the Secretary of State considers appropriate in consequence of subsection (1).
- (3) The provision that may be made by regulations under subsection (2) includes—
 - (a) different provision for different purposes,
 - (b) transitional, transitory or saving provision,
 - (c) incidental or supplementary provision, and
 - (d) provision amending, repealing or revoking any primary or subordinate legislation.
- (4) Subject to subsection (5), a statutory instrument containing regulations under subsection (2) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsection (4) does not apply to a statutory instrument falling within subsection (6).
- (6) A statutory instrument containing regulations under subsection (2) which amend or repeal primary legislation (whether alone or with other provision) may not be made

Changes to legislation: There are currently no known outstanding effects for the NHS (Charitable Trusts Etc) Act 2016, Section 1. (See end of Document for details)

unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

(7) In subsection (3)(d) the reference to subordinate legislation includes subordinate legislation made after the passing of this Act.

(8) In this section—

“primary legislation” means—

- (a) an Act of Parliament, or
- (b) a Measure or Act of the National Assembly for Wales, and

“subordinate legislation” means—

- (a) subordinate legislation within the meaning of the Interpretation Act 1978, and
- (b) subordinate legislation made under a Measure or Act of the National Assembly for Wales.

(9) Schedule 1 makes consequential amendments.

Commencement Information

I1 S. 1(1)-(8) in force at 17.6.2021 by S.I. 2021/712, **reg. 3(a)**

I2 S. 1(9) in force at 17.6.2021 for specified purposes by S.I. 2021/712, **reg. 3(a)**

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