

Status: Point in time view as at 01/04/2004.

Changes to legislation: National Health Service and Community Care Act 1990, Part III is up to date with all changes known to be in force on or before 20 July 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)

SCHEDULES

SCHEDULE 2

NATIONAL HEALTH SERVICE TRUSTS

PART III

SUPPLEMENTARY PROVISIONS

Re-imbusement for health services work carried out otherwise than under NHS contract

^{F1}19

Textual Amendments

- F1** Sch. 2 para. 19 omitted (1.10.1999 for E. and 1.4.2000 for W.) by virtue of 1999 c. 8, s. 65(1), **Sch. 4 para. 83(6)**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**; and para. 19 repealed (1.4.2000) by 1999 c. 8, s. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(d), **Sch.**

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^{F2}20

Textual Amendments

- F2** Sch. 2 para. 20 omitted (1.10.1999 for E. and 1.4.2000 for W.) by virtue of 1999 c. 8, s. 65(1), **Sch. 4 para. 83(6)**; S.I. 1999/2540, art. 2(1)(a), **Sch. 1**; S.I. 2000/1026, art. 2(1), **Sch.**; and para. 20 repealed (1.4.2000) by 1999 c. 8, s. 65(2), **Sch. 5**; S.I. 2000/1041, art. 2(d), **Sch.**

Supply of goods and services by local authorities

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21 ^{F3}

Textual Amendments

- F3** Sch. 2 para. 21 repealed (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 196, 199(1)(b), **Sch. 14 Pt. 1**; S.I. 2004/759, art. 12

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Making of charges

- 22 In each of sections 81 (charges for more expensive supplies) and 82 (charges for repairs and replacement necessitated by an act or omission of the person supplied etc.) of the principal Act, in paragraph (a)—
 - (a) after the words “Secretary of State” there shall be inserted “or an NHS trust”; and
 - (b) after the word “him” there shall be inserted “or, as the case may be, by the trust”.

Power to raise money by appeals etc.

- 23 (1) In section 96A of the principal Act (power ^{F4} . . . to raise money etc. by appeals, collections etc.) in subsection (1), after the word “authority”, in each place where it occurs, there shall be inserted “or NHS trust”.
- ^{F5}(2)
- (3) In subsection (5), of that section, for the words from “Area or District” onwards there shall be substituted “body responsible for the hospital if that body and the special trustees agree; and in this subsection the body responsible for a hospital is,—
 - (a) in the case of a hospital vested in a NHS trust, that trust; and
 - (b) in any other case, the District Health Authority exercising functions on behalf of the Secretary of State in respect of the hospital”.
- (4) After subsection (5) of that section there shall be inserted the following subsection—

“(5A) Where property is given in pursuance of this section on trust for any purposes of an NHS trust for which trustees have been appointed under section 11(1) of the National Health Service and Community Care Act 1990, then, if those trustees and the NHS trust agree, the property may be held, administered and applied by those trustees instead of by the NHS trust.”
- ^{F5}(5)

Textual Amendments

F4 Words in Sch. 2 Pt. III para. 23(1) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

F5 Sch. 2 Pt. III para. 23(2) and (5) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

Accounts and audit

- 24 ^{F6}(1)
- (2) After subsection (2A) of that section there shall be inserted—

“(2B) in preparing its annual accounts in pursuance of subsection (2) above, an NHS trust shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—

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- (a) the methods and principles according to which the accounts are to be prepared; and
- (b) the information to be given in the accounts.”

Textual Amendments

F6 Sch. 2 para. 24(1) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

Protection of members and officers

25 In section 125 of the principal Act (protection of members and officers of health authorities etc.)—

- ^{F7}(a)
- (b) ^{F8}

Textual Amendments

F7 Sch. 2 para. 25(a) repealed (1.4.1996) by 1995 c. 17, s. 5(1)(2), Sch. 3 (with Sch. 2 para. 6)

F8 Sch. 2 para. 25(b) repealed (1.4.2004) by Health and Social Care (Community Health and Standards Act 2003 (c. 43), ss. 196, 199(1)(b), Sch. 14 Pt. 1; S.I. 2004/759, art. 12

Compulsory acquisition

- 26 (1) An NHS trust may be authorised to purchase land compulsorily for the purposes of its functions by means of an order made by the trust and confirmed by the Secretary of State.
- (2) Subject to sub-paragraph (3) below, the ^{M1}Acquisition of Land Act 1981 shall apply to the compulsory purchase of land under this paragraph.
- (3) No order shall be made by an NHS trust under Part II of the Acquisition of Land Act 1981 with respect to any land unless the proposal to acquire the land compulsorily—
- (a) has been submitted to the Secretary of State in such form and together with such information as he may require; and
 - (b) has been approved by him.

Marginal Citations

M1 1981 c. 67.

Use and development of consecrated land and burial grounds

27 Section 128 of the ^{M2}Town and Country Planning Act 1971 (use and development of consecrated land and burial grounds) applies to consecrated land and land

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comprised in a burial ground, within the meaning of that section, which an NHS trust holds for any of its purposes as if—

- (a) that land had been acquired by the trust as mentioned in subsection (1) of that section; and
- (b) the trust were a statutory undertaker, within the meaning of that Act.

Marginal Citations

M2 1971 c. 78.

Instruments etc.

- 28
- (1) The fixing of the seal of an NHS trust shall be authenticated by the signature of the chairman or of some other person authorised either generally or specially by the trust for that purpose and of one other director.
 - (2) Any document purporting to be a document duly executed under the seal of an NHS trust shall be received in evidence and shall, unless the contrary is proved, be deemed to be so executed.
 - (3) A document purporting to be signed on behalf of an NHS trust shall be received in evidence and shall, unless the contrary is proved, be deemed to be so signed.

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