



National Health Service (Private Finance) Act 1997

1997 CHAPTER 56

[^{F1} Powers of NHS trusts to enter into agreements.

- (1) The powers of a [^{F2}Health Board, a Special Health Board and the Common Services Agency for the Scottish Health Service (“the Agency”)] to enter into contracts] include power to enter into externally financed development agreements.
- (2) For the purposes of this section, an agreement is an externally financed development agreement if it is certified as such in writing by the Secretary of State.
- (3) The Secretary of State may give a certificate under this section if—
 - (a) in his opinion the purpose or main purpose of the agreement is the provision of facilities in connection with the discharge by the [^{F3}Board or, as the case may be, the Agency] of any of its functions; and
 - (b) a person proposes to make a loan to, or provide any other form of finance for, another party in connection with the agreement.
- (4) If a [^{F4}Health Board, a Special Health Board or the Agency] enters into an externally financed development agreement it may also, in connection with that agreement, enter into an agreement with a person who falls within subsection (3)(b) in relation to the externally financed development agreement.
- (5) In subsection (3)—

“another party” means any party to the agreement other than the [^{F5}Board or, as the case may be, the Agency]; and

“facilities” includes—

 - (a) works, buildings, plant, equipment or other property; and
 - (b) services.
- (6) The fact that an agreement made by a [^{F6}Health Board, a Special Health Board or the Agency] has not been certified under this section does not affect its validity.]

Changes to legislation: There are currently no known outstanding effects for the National Health Service (Private Finance) Act 1997, Section 1. (See end of Document for details)

Textual Amendments

- F1** S. 1 repealed (E.W.) (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 8(2), **Sch. 4** (with Sch. 2 Pt. 1 Sch. 3 Pt. 1)
- F2** Words in s. 1(1) substituted (S.) (30.7.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), s. 12(1), **Sch. 1 para. 2(a)**; S.S.I. 2004/335, art. 2(b)
- F3** Words in s. 1(3)(a) substituted (S.) (30.7.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), s. 12(1), **Sch. 1 para. 2(b)**; S.S.I. 2004/335, art. 2(b)
- F4** Words in s. 1(4) substituted (S.) (30.7.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), s. 12(1), **Sch. 1 para. 2(c)**; S.S.I. 2004/335, art. 2(b)
- F5** Words in s. 1(5) substituted (S.) (30.7.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), s. 12(1), **Sch. 1 para. 2(b)**; S.S.I. 2004/335, art. 2(b)
- F6** Words in s. 1(6) substituted (S.) (30.7.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), s. 12(1), **Sch. 1 para. 2(c)**; S.S.I. 2004/335, art. 2(b)

Modifications etc. (not altering text)

- C1** S. 1 extended (4.1.2000) by 1999 c. 8, s. 65, **Sch. 4 para. 89**; S.I. 1999/2343, art. 2(3), **Sch. 2**
S. 1 applied (10.10.2002 for W.) by 2002 c. 17, **ss. 6(4)**, 42(3); S.I. 2002/2532, art. 2, **Sch.**

Changes to legislation:

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