



National Health Service Act 2006

2006 CHAPTER 41

PART 2

HEALTH SERVICE BODIES

CHAPTER 5

NHS FOUNDATION TRUSTS

Authorisation

34 Other applications

- (1) An application may be made to the regulator by persons (other than an NHS trust) to be incorporated as a public benefit corporation and authorised to become an NHS foundation trust, if the application is supported by the Secretary of State.
- (2) The application must—
 - (a) describe the goods and services which the applicants propose should be provided by the NHS foundation trust, and
 - (b) be accompanied by a copy of the proposed constitution of the NHS foundation trust,and must give any further information which the regulator requires the applicants to give.
- (3) If it appears to the regulator that—
 - (a) provision of the goods and services described in the application is likely to assist in the performance of the duties mentioned in section 32,
 - (b) the trust as proposed to be constituted will be able to provide those goods and services, and
 - (c) the proposed constitution accords with Schedule 7 and is otherwise appropriate,

Status: Point in time view as at 01/04/2009. This version of this provision has been superseded.

Changes to legislation: National Health Service Act 2006, Section 34 is up to date with all changes known to be in force on or before 11 August 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)

the regulator may issue a certificate of incorporation.

- (4) The applicants may modify the application with the agreement of the regulator at any time before the certificate is issued.
- (5) On the issue of the certificate, the applicants are incorporated as a public benefit corporation.
- (6) The certificate is conclusive evidence of incorporation.
- (7) Once the certificate has been issued—
 - (a) the proposed constitution has effect, but the applicants may exercise the functions of the corporation on its behalf until a board of directors is appointed in accordance with the constitution,
 - (b) the corporation may do anything (including the things mentioned in section 47) which appears to it to be necessary or expedient for the purpose of preparing it for NHS foundation trust status.

Status:

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