



Mental Health Act 2007

2007 CHAPTER 12

PART 1

AMENDMENTS TO MENTAL HEALTH ACT 1983

CHAPTER 8

MISCELLANEOUS

45 Delegation of powers of managers of NHS foundation trusts

- (1) In section 23(6) of the 1983 Act (delegation of NHS foundation trust's power to discharge patients), for the words from "non-executive directors" to the end substitute "persons authorised by the board of the trust in that behalf each of whom is neither an executive director of the board nor an employee of the trust."
- (2) In section 32(3) of the 1983 Act (power to make provision about how hospital managers' functions under Part 2 of that Act are to be exercised), after "23(4)" insert "and (6)".
- (3) After section 142A of the 1983 Act (inserted by section 17 of this Act), insert—

"142B Delegation of powers of managers of NHS foundation trusts

- (1) The constitution of an NHS foundation trust may not provide for a function under this Act to be delegated otherwise than in accordance with provision made by or under this Act.
- (2) Paragraph 15(3) of Schedule 7 to the National Health Service Act 2006 (which provides that the powers of a public benefit corporation may be delegated to a committee of directors or to an executive director) shall have effect subject to this section."