

Status: Point in time view as at 23/05/2016.

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

SCHEDULES

VALID FROM 17/06/2021

SCHEDULE 1

Section 1

SECTION 1: CONSEQUENTIAL AMENDMENTS

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SCHEDULE 2

Section 3

SECTION 3: SUPPLEMENTARY PROVISIONS

General interpretation

1 In this Schedule—

“GOSH Children's Charity” means Great Ormond Street Hospital Children's Charity (company registration number 9338724);

“the Hospital” means Great Ormond Street Hospital for Children;

“relevant charity merger” has the meaning given by section 306 of the Charities Act 2011;

“the transfer date” means the date on which section 3 and this Schedule come into force;

“transferor” and “transferee” have the meaning given by section 306 of the Charities Act 2011;

“the trustees” means the special trustees appointed for the Hospital under the National Health Service Act 1977 or the National Health Service Act 2006;

“the 1988 Act” means the Copyright, Designs and Patents Act 1988.

Transfer to GOSH Children's Charity: transitional provisions

2 (1) Sub-paragraph (2) applies where immediately before the transfer date—

(a) the trustees were entitled to a royalty by virtue of paragraph 2 of Schedule 6 to the 1988 Act, but

(b) the royalty or another form of remuneration agreed by the trustees (or part of it) has not been paid to the trustees.

(2) The royalty or other form of remuneration (or part of it) is payable to GOSH Children's Charity on and after the transfer date and is to be held by it for the purposes of the Hospital.

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- 3 Where a royalty or other form of remuneration (or part of it) is payable to GOSH Children's Charity by virtue of paragraph 2 it may agree another form of remuneration.
- 4 (1) Sub-paragraph (2) applies where immediately before the transfer date the trustees were entitled to a royalty or other remuneration by virtue of paragraph 2 of Schedule 6 to the 1988 Act (whether or not the royalty or remuneration (or part of it) has been paid).
- (2) Paragraph 5 of that Schedule applies on and after the transfer date as if GOSH Children's Charity had been the trustees before the transfer date (and any application or order or other thing made or done before the transfer date has effect accordingly).

Transfer on merger of GOSH Children's Charity

- 5 (1) This paragraph applies where GOSH Children's Charity is the transferor (or one of the transferors) in a relevant charity merger.
- (2) The Secretary of State may by regulations made by statutory instrument—
- (a) amend paragraph 2 of Schedule 6 to the 1988 Act to transfer the right to a royalty by virtue of that paragraph to the transferee in relation to the merger, and
- (b) make consequential amendments of the 1988 Act.
- 6 Regulations under paragraph 5 may make—
- (a) transitional, transitory or saving provision, and
- (b) incidental or supplementary provision.
- 7 A statutory instrument containing regulations under paragraph 5 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

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