

SCHEDULES

SCHEDULE 14

ABOLITION OF NHS TRUSTS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS OF OTHER ACTS

Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)

- 41 In section 1 of the Voluntary Hospitals (Paying Patients) Act 1936 (definitions), in the definition of “NHS trust” omit “the National Health Service Act 2006 or”.

Public Bodies (Admission to Meetings) Act 1960 (c. 67)

- 42 In the Schedule to the Public Bodies (Admission to Meetings) Act 1960 (bodies to which the Act applies), in paragraph 1(l) omit “section 25 of the National Health Service Act 2006 or”.

Abortion Act 1967 (c. 87)

- 43 In section 1(3) of the Abortion Act 1967 (location of treatment for termination of pregnancy) after “National Health Service trust” insert “established under section 18 of the National Health Service (Wales) Act 2006 or the National Health Service (Scotland) Act 1978”.

Employers’ Liability (Compulsory Insurance) Act 1969 (c. 57)

- 44 In section 3(2)(a) of the Employers’ Liability (Compulsory Insurance) Act 1969 (NHS bodies exempted from insurance requirement), omit “section 25 of the National Health Service Act 2006,”.

Local Government Act 1972 (c. 70)

- 45 In section 113(4) of the Local Government Act 1972 (placing of staff of local authorities at disposal of NHS trusts), omit “section 25 of the National Health Service Act 2006 or”.

House of Commons Disqualification Act 1975 (c. 24)

- 46 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (offices disqualifying for membership of the House), in the entry for National Health Service trusts omit “the National Health Service Act 2006 or”.

Status: This is the original version (as it was originally enacted).

Acquisition of Land Act 1981 (c. 67)

- 47 The Acquisition of Land Act 1981 is amended as follows.
- 48 In section 16(3)(b) (NHS trusts' land excluded from compulsory purchase), omit "section 25 of the National Health Service Act 2006 or".
- 49 In section 17(4) (special parliamentary procedure applying to compulsory purchase orders concerning NHS trusts' land), in paragraph (aa) of the definition of "statutory undertakers" omit "section 25 of the National Health Service Act 2006 or".

Mental Health Act 1983 (c. 20)

- 50 In section 139(4) of the Mental Health Act 1983 (exemption from protection for acts done in pursuance of the Act), omit "the National Health Service Act 2006 or".

Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)

- 51 In section 2(5) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons), in paragraph (a) omit "that Act or".

Copyright, Designs and Patents Act 1988 (c. 48)

- 52 In section 48 of the Copyright, Designs and Patents Act 1988 (material communicated to the Crown in the course of public business), in subsection (6) omit "section 25 of the National Health Service Act 2006,".

Health and Medicines Act 1988 (c. 49)

- 53 In section 7(3) of the Health and Medicines Act 1988 (powers to give directions in relation to financing of the NHS), in paragraph (i) omit "an NHS trust or".

Road Traffic Act 1988 (c. 52)

- 54 In section 144(2)(db) of the Road Traffic Act 1988 (exception for ambulances to requirement for third party insurance), omit "section 25 of the National Health Service Act 2006,".

Access to Health Records Act 1990 (c. 23)

- 55 In section 11 of the Access to Health Records Act 1990 (interpretation), in the definition of "health service body", in paragraph (d), omit "section 25 of the National Health Service Act 2006 or".

Water Industry Act 1991 (c. 56)

- 56 In Schedule 4A to the Water Industry Act 1991 (premises not to be disconnected for non-payment), in paragraph 16 omit "the National Health Service Act 2006 or".

London Local Authorities Act 1991 (c. xiii)

- 57 In section 4 of the London Local Authorities Act 1991 (interpretation), in the definition of “establishment for special treatment”, in paragraph (d) omit “section 25 of that Act or”.

Social Security Contributions and Benefits Act 1992 (c. 4)

- 58 The Social Security Contributions and Benefits Act 1992 is amended as follows.
- 59 In section 163(6) (interpretation of Part 11), omit “the National Health Service Act 2006,”.
- 60 In section 171(3) (interpretation of Part 12), omit “the National Health Service Act 2006,”.
- 61 In section 171ZJ(9)(a) (Part 12ZA: supplementary), omit “the National Health Service Act 2006,”.
- 62 In section 171ZS(9)(a) (Part 12ZB: supplementary), omit “the National Health Service Act 2006,”.

Health Service Commissioners Act 1993 (c. 46)

- 63 In section 2(1) of the Health Service Commissioners Act 1993 (bodies subject to investigation by the Commissioner), omit paragraph (d).

Vehicle Excise and Registration Act 1994 (c. 22)

- 64 In Schedule 2 to the Vehicle Excise and Registration Act 1994 (vehicle exempt from vehicle excise duty), in paragraph 7(b) omit “the National Health Service Act 2006,”.

Value Added Tax Act 1994 (c. 23)

- 65 The Value Added Tax Act 1994 is amended as follows.
- 66 In section 41(7) (definition of “government department”), for “Part I of that Act” substitute “section 18 of the National Health Service (Wales) Act 2006”.
- 67 In Part 2 of Schedule 8 (zero-rated supply of goods and services)—
- (a) in the Notes for group 12 (drugs, medicines, aids for the handicapped), in paragraph (e) of Note (5H) omit “the National Health Service Act 2006 or”, and
 - (b) in the Notes for group 15 (charities, etc.), in paragraph (i) of Note 4 for “Part I of the National Health Service and Community Care Act 1990” substitute “section 18 of the National Health Service (Wales) Act 2006”.

Employment Rights Act 1996 (c. 18)

- 68 The Employment Rights Act 1996 is amended as follows.
- 69 In section 50(8)(a) (right of employees of NHS trusts to time off for public duties), omit “section 25 of the National Health Service Act 2006,”.
- 70 In section 218(10)(c) (change of employer) omit “the National Health Service Act 2006 or”.

Status: This is the original version (as it was originally enacted).

Audit Commission Act 1998 (c. 18)

- 71 The Audit Commission Act 1998 is amended as follows.
- 72 Omit section 33(8)(c) (bodies not subject to certain Commission studies).
- 73 In section 53(1) (interpretation), in the definition of “health service body” omit “or NHS Direct National Health Service Trust”.

Data Protection Act 1998 (c. 29)

- 74 In section 69(3) of the Data Protection Act 1998 (meaning of “health professional”), in paragraph (f) omit “section 25 of the National Health Service Act 2006,”.

Health Act 1999 (c. 8)

- 75 In section 16 of the Health Act 1999 (conversion of initial loans to NHS trusts to public dividend capital), in subsection (5) after the definition of “initial loan” insert—
““NHS trust” includes an NHS trust which was established (by virtue of the National Health Service (Consequential Provisions) Act 2006) under section 25 of the National Health Service Act 2006, prior to the repeal of that section by section 179 of the Health and Social Care Act 2012.”

Greater London Authority Act 1999 (c. 29)

- 76 Omit section 309E(5)(h) of the Greater London Authority Act 1999 (NHS trusts to be included among relevant bodies for purposes of Mayor of London’s health inequalities strategy).

Care Standards Act 2000 (c. 14)

- 77 The Care Standards Act 2000 is amended as follows.
- 78 In section 42(7) (power to extend application of Part 2), in paragraph (b) of the definition of “Welsh NHS bodies” omit the words from “all or most” to the end.
- 79 In Schedule 2A (persons subject to review by the Children’s Commissioner for Wales), in paragraph 3 omit the words from “all or most” to the end.
- 80 In Schedule 2B (persons whose arrangements are subject to review by the Children’s Commissioner for Wales), in paragraph 4 omit the words from “all or most” to the end.

Freedom of Information Act 2000 (c. 36)

- 81 In Part 3 of Schedule 1 to the Freedom of Information Act 2000 (NHS in England and Wales), in paragraph 40, omit “section 25 of the National Health Service Act 2006 or”.

International Development Act 2002 (c. 1)

- 82 In Schedule 1 to the International Development Act 2002 (statutory bodies who may exercise certain powers for the purpose of assisting countries outside the UK), in the entry for National Health Service trusts, omit “the National Health Service Act 2006,”.

Nationality, Immigration and Asylum Act 2002 (c. 41)

- 83 In section 133(4) of the Nationality, Immigration and Asylum Act 2002 (power of medical inspector to disclose information to NHS trusts), in paragraphs (a)(ii) and (b)(ii) omit “section 25 of the National Health Service Act 2006 or”.

Community Care (Delayed Discharges etc.) Act 2003 (c. 5)

- 84 In section 1(1) of the Community Care (Delayed Discharges etc.) Act 2003 (meaning of “NHS body”), in the definition of “NHS body”, after “a National Health Service trust” insert “(in Wales)”.

Finance Act 2003 (c. 14)

- 85 The Finance Act 2003 is amended as follows.
- 86 In section 61(3) (bodies that are public authorities for purpose of requirement to comply with planning obligations), under the heading “Health: England and Wales”, in the entry for National Health Service trusts, omit “section 25 of the National Health Service Act 2006 or”.
- 87 In section 66(4) (bodies that are public bodies for purpose of exemption for transfers of land), under the heading “Health: England and Wales”, in the entry for National Health Service trusts, omit “section 25 of the National Health Service Act 2006 or”.

Licensing Act 2003 (c. 17)

- 88 In section 16(3) of the Licensing Act 2003 (bodies that may apply for premises licence), in the definition of “health service body”, in paragraph (a), omit “section 25 of the National Health Service Act 2006 or”.

Health and Social Care (Community Health and Standards) Act 2003 (c. 43)

- 89 The Health and Social Care (Community Health and Standards) Act 2003 is amended as follows.
- 90 In section 148 (interpretation of Part 2)—
- (a) in the definition of “English NHS body” omit paragraph (c), and
 - (b) in paragraph (b) of the definition of “Welsh NHS body”, omit the words from “all or most” to the end.
- 91 In section 160 (provision of information in personal injury cases), in subsection (4), in the definition of “ambulance trust”, in paragraph (a)(i), omit “section 25 of the 2006 Act”.
- 92 In section 162 (payment of NHS charges to hospitals or ambulance trusts), in subsection (6), in the definition of “relevant ambulance trust”—
- (a) before paragraph (a) insert—
 - “(za) in relation to England, means the NHS foundation trust which is designated by the Secretary of State for the purposes of this section in relation to the health service hospital to which the injured person was taken for treatment,”
 - (b) in paragraph (a) omit “England or”,

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(c) in sub-paragraph (i) of that paragraph omit “section 25 of the 2006 Act or”,
and

(d) omit sub-paragraph (ii) of that paragraph (and the preceding “or”).

93 In section 165 (power to apply provisions about recovery of charges to non NHS hospitals), in subsection (3)(b)(ii) omit “section 25 of the 2006 Act.”.

Finance Act 2004 (c. 12)

94 In section 59 of the Finance Act 2004 (contractors), in subsection (5), in the definition of “NHS trust”, in paragraph (a) omit “section 25 of the National Health Service Act 2006 or”.

Domestic Violence, Crime and Victims Act 2004 (c. 28)

95 In section 9(4)(a) of the Domestic Violence, Crime and Victims Act 2004 (duty to have regard to guidance on conduct of domestic homicide reviews), in the entry for NHS trusts omit “section 25 of the National Health Service Act 2006 or”.

Children Act 2004 (c. 31)

96 The Children Act 2004 is amended as follows.

97 In section 11(1) (NHS trusts’ duty to promote the safety and welfare of children), omit paragraph (f).

98 In section 13(3) (Local Safeguarding Children Boards), in paragraph (f) omit “an NHS trust and”.

99 In section 28(1) (arrangements to safeguard and promote welfare: Wales), in paragraph (c) omit the words from “all or most” to the end.

Civil Contingencies Act 2004 (c. 36)

100 In Part 1 of Schedule 1 to the Civil Contingencies Act 2004 (category 1 responders to emergencies), in paragraph 5 omit “section 25 of the 2006 Act, or”.

National Health Service (Wales) Act 2006 (c. 42)

101 In section 206(1) of the National Health Service Act (Wales) 2006 (interpretation), omit the definition of “NHS trust”.

Corporate Manslaughter and Corporate Homicide Act 2007 (c. 19)

102 In section 6(7) of the Corporate Manslaughter and Corporate Homicide Act 2007 (duty of care in emergencies), in the definition of “relevant NHS body”, in paragraph (a) omit “NHS trust.”.

Local Government and Public Involvement in Health Act 2007 (c. 28)

103 The Local Government and Public Involvement in Health Act 2007 is amended as follows.

104 In section 222 (arrangements regarding local involvement networks)—
(a) omit subsection (3)(b), and

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(b) omit subsection (4)(d).

105 In section 224(2) (duties of service-providers to local involvement networks), omit paragraph (a).

106 In section 225(7) (duty to allow entry to local involvement networks), omit paragraph (a).

Criminal Justice and Immigration Act 2008 (c. 4)

107 In section 119(4) of the Criminal Justice and Immigration Act 2008 (offence of causing nuisance or disturbance on NHS premises), in the definition of “relevant English NHS body”—

(a) omit paragraph (a), and

(b) in paragraph (c), for “that Act” substitute “the National Health Service Act 2006” (and omit the “or” preceding that paragraph).

Health and Social Care Act 2008 (c. 14)

108 The Health and Social Care Act 2008 is amended as follows.

109 In section 97(1) (general interpretation of Part 1)—

(a) in the definition of “English NHS body” omit paragraph (c), and

(b) in the definition of “English NHS provider” omit paragraph (b).

110 In section 153(1) (directing NHS bodies to exercise certain functions in relation to financial assistance), omit paragraph (c).

Autism Act 2009 (c. 15)

111 In section 4(1) of the Autism Act 2009 (interpretation), in the definition of “NHS body”, omit paragraph (c).

Health Act 2009 (c. 21)

112 The Health Act 2009 is amended as follows.

113 In section 2(2) (bodies with duty to have regard to NHS Constitution) omit paragraph (c).

114 In section 8(2) (bodies with duty to publish information on quality of services) omit paragraph (b).

Corporation Tax Act 2010 (c. 4)

115 In section 986 of the Corporation Tax Act 2010 (meaning of “health service body”), in the table, in the entry for a National Health Service trust, omit “section 25 of the National Health Service Act 2006 or”.

Equality Act 2010 (c. 15)

116 In Part 1 of Schedule 19 to the Equality Act 2010 (bodies subject to public sector equality duty), in the group of entries that includes entries for bodies whose functions relate to the health service, omit the entry for an NHS trust.

Status: This is the original version (as it was originally enacted).

Charities Act 2011 (c. 25)

- 117 The Charities Act 2011 is amended as follows.
- 118 In section 149 (audit or examination of English NHS charity accounts), in subsection (7), omit paragraphs (c), (d) and (e).
- 119 In section 150 (audit or examination of Welsh NHS charity accounts), in subsection (4)—
- (a) in paragraph (b), omit the words from “all or most” to the end,
 - (b) in paragraph (c), omit “falling within paragraph (b)”, and
 - (c) in paragraph (d), omit “such”.