

**Changes to legislation:** Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

## SCHEDULES

### SCHEDULE 4

Section 34

#### AMENDMENTS RELATING TO NHS FOUNDATION TRUSTS

##### *The Voluntary Hospitals (Paying Patients) Act 1936 (c. 17)*

1 The Voluntary Hospitals (Paying Patients) Act 1936 is amended as follows.

##### Commencement Information

**I1** Sch. 4 para. 1 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

2 In section 1 (definitions), in the definition of “voluntary hospital”, after “NHS trust” there is inserted “, an NHS foundation trust”.

##### Commencement Information

**I2** Sch. 4 para. 2 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

##### *The National Assistance Act 1948 (c. 29)*

3 The National Assistance Act 1948 is amended as follows.

##### Commencement Information

**I3** Sch. 4 para. 3 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

4 In section 24 (authority liable for provision of accommodation), in subsection (6), for “or an NHS trust” there is substituted “, an NHS trust or an NHS foundation trust”.

##### Commencement Information

**I4** Sch. 4 para. 4 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

##### *The Public Records Act 1958 (c. 51)*

5 The Public Records Act 1958 is amended as follows.

##### Commencement Information

**I5** Sch. 4 para. 5 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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- 6 In Schedule 1 (definition of public records), in the Table in Part 1, in the entry relating to the Department of Health, in the second column, for “and National Health Service trusts” there is substituted “, National Health Service trusts and NHS foundation trusts”.

**Commencement Information**

**I6** Sch. 4 para. 6 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Human Tissue Act 1961 (c. 54)*

- 7 The Human Tissue Act 1961 is amended as follows.

**Commencement Information**

**I7** Sch. 4 para. 7 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 8 In section 1 (removal of parts of bodies for medical purposes), in subsection (4A) (b), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

**Commencement Information**

**I8** Sch. 4 para. 8 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Abortion Act 1967 (c. 87)*

- 9 The Abortion Act 1967 is amended as follows.

**Commencement Information**

**I9** Sch. 4 para. 9 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 10 In section 1 (medical termination of pregnancy), in subsection (3), after “National Health Service trust” there is inserted “ or an NHS foundation trust”.

**Commencement Information**

**I10** Sch. 4 para. 10 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Leasehold Reform Act 1967 (c. 88)*

- 11 The Leasehold Reform Act 1967 is amended as follows.

**Commencement Information**

**I11** Sch. 4 para. 11 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 12 In section 28 (retention or assumption of land required for public purposes)—

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- (a) in subsection (5), for “and any National Health Service trust” there is substituted “, any National Health Service trust and any NHS foundation trust”;
- (b) in subsection (6)(c), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

**Commencement Information**

**I12** Sch. 4 para. 12 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Health Services and Public Health Act 1968 (c. 46)*

13 The Health Services and Public Health Act 1968 is amended as follows.

**Commencement Information**

**I13** Sch. 4 para. 13 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

14 In section 63 (provisions of instruction for officers of hospital authorities etc. employed, or contemplating employment, in certain activities connected with health or welfare), in subsection (5B), the “and” at the end of paragraph (bbb) is omitted and after paragraph (c) there is inserted—  
“(d) NHS foundation trusts”.

**Commencement Information**

**I14** Sch. 4 para. 14 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

15 The Employers' Liability (Compulsory Insurance) Act 1969 is amended as follows.

**Commencement Information**

**I15** Sch. 4 para. 15 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

16 In section 3 (employers exempted from insurance), in subsection (2)(a), after “1978,” there is inserted “ an NHS foundation trust, ”.

**Commencement Information**

**I16** Sch. 4 para. 16 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Local Government Act 1972 (c. 70)*

17 The Local Government Act 1972 is amended as follows.

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**Commencement Information**

I17 Sch. 4 para. 17 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

18 In section 113 (placing of staff of local authorities at disposal of other local authorities), in subsection (1A), for “or NHS trust” (in each place) there is substituted “, NHS trust or NHS foundation trust”.

**Commencement Information**

I18 Sch. 4 para. 18 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The House of Commons Disqualification Act 1975 (c. 24)*

19 The House of Commons Disqualification Act 1975 is amended as follows.

**Commencement Information**

I19 Sch. 4 para. 19 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

20 In Part 3 of Schedule 1 (disqualifying offices), there is inserted at the appropriate place— “ Chairman or other non-executive director of an NHS foundation trust. ”

**Commencement Information**

I20 Sch. 4 para. 20 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Race Relations Act 1976 (c. 74)*

<sup>F1</sup>21 .....

**Textual Amendments**

F1 Sch. 4 para. 21 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

<sup>F2</sup>22 .....

**Textual Amendments**

F2 Sch. 4 para. 22 repealed by 2010 c. 15, Sch. 27 Pt. 1A (as inserted (4.4.2011) by [The Equality Act 2010 \(Public Authorities and Consequential and Supplementary Amendments\) Order 2011 \(S.I. 2011/1060\)](#), arts. 1(2), 3(3)(a), [Sch. 3](#))

*The National Health Service Act 1977 (c. 49)*

<sup>F3</sup>23 .....

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**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**24 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**25 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**26 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**27 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**28 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**29 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**30 .....

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**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**31 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F3**32 .....

**Textual Amendments**

**F3** Sch. 4 paras. 23-32 repealed (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](#))

**F4**33 .....

**Textual Amendments**

**F4** Sch. 4 para. 33 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

**F5**34 .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F5**35 .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F5**36 .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F5**37 .....

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**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F538** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F539** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F540** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F541** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F542** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F543** .....

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

**F544** .....

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**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

<sup>F5</sup>45 . . . . .

**Textual Amendments**

**F5** Sch. 4 paras. 34-45 repealed (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](#))

*The Acquisition of Land Act 1981 (c. 67)*

- 46 (1) An NHS foundation trust may be authorised to purchase land compulsorily for the purposes of its functions by means of an order—
- (a) made by the trust, and
  - (b) confirmed by the Secretary of State.
- (2) The Acquisition of Land Act 1981 is to apply to the compulsory purchase of land under this paragraph.
- (3) But no order is to be made by an NHS foundation trust under Part 2 of that Act with respect to any land unless the proposal to acquire it compulsorily—
- (a) is submitted to the Secretary of State in such form, and together with such information, as he may require, and
  - (b) is approved by him.

**Commencement Information**

**I21** Sch. 4 para. 46 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

47 The Acquisition of Land Act 1981 is amended as follows.

**Commencement Information**

**I22** Sch. 4 para. 47 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

48 In section 16 (statutory undertakers' land excluded from compulsory purchase), in subsection (3), after paragraph (b) there is inserted—

“(ba) an NHS foundation trust;”.

**Commencement Information**

**I23** Sch. 4 para. 48 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

49 In section 17 (local authority and statutory undertakers' land), in subsection (4), in the definition of “statutory undertakers”, after paragraph (aa) there is inserted—

“(aab) an NHS foundation trust;”.



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**Commencement Information**

**I24** Sch. 4 para. 49 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Mental Health Act 1983 (c. 20)*

50 The Mental Health Act 1983 is amended as follows.

**Commencement Information**

**I25** Sch. 4 para. 50 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

<sup>F6</sup>51 .....

**Textual Amendments**

**F6** Sch. 4 para. 51 repealed (3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), s. 56(1), **Sch. 11 Pt. 3**; [S.I. 2008/1900](#), **art. 2(p)** (with [art. 3](#), [Sch.](#))

52 In section 19 (regulations as to transfer of patients), in subsection (3), after “National Health Service trust” (in both places) there is inserted “, NHS foundation trust”.

**Commencement Information**

**I26** Sch. 4 para. 52 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

53 In section 23 (discharge of patients)—  
<sup>F7</sup>(a) .....  
(b) in subsection (4), after “trust” (in the first place it occurs) there is inserted “ (other than an NHS foundation trust) ”,  
(c) after subsection (5), there is inserted—  
“(6) The powers conferred by this section on any NHS foundation trust may be exercised by any three or more non-executive directors of the board of the trust authorised by the board in that behalf.”

**Textual Amendments**

**F7** Sch. 4 para. 53(a) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 39(4)(d)**, [306\(4\)](#); [S.I. 2012/1319](#), **art. 2(3)**

**Commencement Information**

**I27** Sch. 4 para. 53 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

<sup>F8</sup>54 .....

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#### Textual Amendments

**F8** Sch. 4 para. 54 omitted (1.7.2012) by virtue of Health and Social Care Act 2012 (c. 7), ss. 39(4)(d), 306(4); S.I. 2012/1319, art. 2(3)

55 In section 32 (regulations for purposes of Part 2), in subsection (3), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts”.

#### Commencement Information

**I28** Sch. 4 para. 55 in force at 1.4.2004 by S.I. 2004/759, art. 2

56 In section 139 (protection for acts done in pursuance of this Act), in subsection (4), at the end there is inserted “ or NHS foundation trust ”.

#### Commencement Information

**I29** Sch. 4 para. 56 in force at 1.4.2004 by S.I. 2004/759, art. 2

57 In section 145 (interpretation), in subsection (1), after paragraph (bb) of the definition of “the managers” there is inserted—  
“(bc) in relation to a hospital vested in an NHS foundation trust, the trust;”.

#### Commencement Information

**I30** Sch. 4 para. 57 in force at 1.4.2004 by S.I. 2004/759, art. 2

#### *The National Audit Act 1983 (c. 44)*

58 The National Audit Act 1983 is amended as follows.

#### Commencement Information

**I31** Sch. 4 para. 58 in force at 1.4.2004 by S.I. 2004/759, art. 2

59 In section 6 (public departments etc.), in subsection (3)(b), at the end there is inserted “ and any NHS foundation trust ”.

#### Commencement Information

**I32** Sch. 4 para. 59 in force at 1.4.2004 by S.I. 2004/759, art. 2

#### *The Public Health (Control of Disease) Act 1984 (c. 22)*

60 The Public Health (Control of Disease) Act 1984 is amended as follows.

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**Commencement Information**

**I33** Sch. 4 para. 60 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 61 In section 13 (regulations for control of certain diseases), in subsection (4)(a), for “or National Health Service trusts” there is substituted “, National Health Service trusts or NHS foundation trusts”.

**Commencement Information**

**I34** Sch. 4 para. 61 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 62 In section 37 (removal to hospital of person with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust, ”.

**Commencement Information**

**I35** Sch. 4 para. 62 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 63 In section 41 (removal to hospital of inmate of common lodging-house with notifiable disease), in subsection (1)(c), after “NHS trust,” there is inserted “ NHS foundation trust, ”.

**Commencement Information**

**I36** Sch. 4 para. 63 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

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

- 64 The Disabled Persons (Services, Consultation and Representation) Act 1986 is amended as follows.

**Commencement Information**

**I37** Sch. 4 para. 64 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 65 In section 2 (rights of authorised representatives of disabled persons), in subsection (5)(a), after “1990” there is inserted “ or by an NHS foundation trust ”.

**Commencement Information**

**I38** Sch. 4 para. 65 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 66 In section 7 (persons discharged from hospital), in subsection (9), in the definition of “the managers”—
- (a) in paragraph (a)(i), after “National Health Service trust” there is inserted “, an NHS foundation trust ”,
  - (b) in paragraph (cc), after “that trust;” there is inserted—

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“(cd) in relation to a hospital vested in an NHS foundation trust, means the board of directors of that trust;”.

**Commencement Information**

**I39** Sch. 4 para. 66 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Company Directors Disqualification Act 1986 (c. 46)*

67 The Company Directors Disqualification Act 1986 is amended as follows.

**Commencement Information**

**I40** Sch. 4 para. 67 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

68 After section 22B there is inserted—

**“22C Application of Act to NHS foundation trusts**

- (1) This Act applies to NHS foundation trusts as it applies to companies within the meaning of this Act.
- (2) References in this Act to a company, or to a director or officer of a company, include, respectively, references to an NHS foundation trust or to a director or officer of the trust; but references to shadow directors are omitted.
- (3) In the application of Schedule 1 to the directors of an NHS foundation trust, references to the provisions of the Insolvency Act or the Companies Act include references to the corresponding provisions of Part 1 of the Health and Social Care (Community Health and Standards) Act 2003.”

**Commencement Information**

**I41** Sch. 4 para. 68 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The AIDS (Control) Act 1987 (c. 33)*

69 The AIDS (Control) Act 1987 is amended as follows.

**Commencement Information**

**I42** Sch. 4 para. 69 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 70 In section 1 (periodical reports on matters relating to AIDS and HIV)—
- (a) in subsection (1)(b)(iv), after “NHS trust” there is inserted—  
“ (iva) each NHS foundation trust;”,
  - (b) in subsection (2)(b), after “NHS Trust” there is inserted “, NHS foundation trust ”.

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**Commencement Information**

**I43** Sch. 4 para. 70 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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

71 The Copyright, Designs and Patents Act 1988 is amended as follows.

**Commencement Information**

**I44** Sch. 4 para. 71 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

72 In section 48 (material communicated to the Crown in the course of public business), in subsection (6), after “1978” there is inserted “ and an NHS foundation trust ”.

**Commencement Information**

**I45** Sch. 4 para. 72 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Road Traffic Act 1988 (c. 52)*

73 The Road Traffic Act 1988 is amended as follows.

**Commencement Information**

**I46** Sch. 4 para. 73 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

74 In section 144 (exceptions from requirement of third-party insurance), in subsection (2), after paragraph (db) there is inserted—  
“(dc) to an ambulance owned by an NHS foundation trust, at a time when the vehicle is being driven under the owner’s control,”.

**Commencement Information**

**I47** Sch. 4 para. 74 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Children Act 1989 (c. 41)*

75 The Children Act 1989 is amended as follows.

**Commencement Information**

**I48** Sch. 4 para. 75 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

76 In section 24 (persons qualifying for advice and assistance), in subsection (2)(d) (ii), after “trust” there is inserted “ or an NHS foundation trust ”.

**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

**Commencement Information**

**I49** Sch. 4 para. 76 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

**F977** .....

**Textual Amendments**

**F9** Sch. 4 para. 77 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **209**

78 In section 27 (co-operation between authorities), in subsection (3)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

**Commencement Information**

**I50** Sch. 4 para. 78 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

79 In section 47 (local authority’s duty to investigate), in subsection (11)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”.

**Commencement Information**

**I51** Sch. 4 para. 79 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

80 In section 80 (inspection of children’s homes etc. by persons authorised by Secretary of State)—

- (a) in subsection (1)(d), for “or National Health Service trust” there is substituted “, National Health Service trust or NHS foundation trust”,
- (b) in subsection (5)(e), after “National Health Service trust” there is inserted “, NHS foundation trust”.

**Commencement Information**

**I52** Sch. 4 para. 80 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

81 In section 85 (children accommodated by health authorities and local education authorities), in subsection (1), after “National Health Service trust” there is inserted “, NHS foundation trust”.

**Commencement Information**

**I53** Sch. 4 para. 81 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

82 In Schedule 2 (local authority support for children and families), in paragraph 1A(3), after paragraph (b) there is inserted—

**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

“(ba) every NHS foundation trust which manages a hospital (within the meaning of the Health and Social Care (Community Health and Standards) Act 2003) in the authority’s area;”.

**Commencement Information**

**I54** Sch. 4 para. 82 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The National Health Service and Community Care Act 1990 (c. 19)*

**F1083** .....

**Textual Amendments**

**F10** Sch. 4 paras. 83-85 repealed (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](#))

**F1084** .....

**Textual Amendments**

**F10** Sch. 4 paras. 83-85 repealed (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](#))

**F1085** .....

**Textual Amendments**

**F10** Sch. 4 paras. 83-85 repealed (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](#))

*The Town and Country Planning Act 1990 (c. 8)*

**86** Sections 238 to 240 of the Town and Country Planning Act 1990 (use and development of consecrated land and burial grounds) apply to consecrated land and land comprised in a burial ground which an NHS foundation trust holds for any of its purposes as if—

- (a) the trust were a statutory undertaker, and
- (b) that land had been the subject of a relevant acquisition by the trust.

**Commencement Information**

**I55** Sch. 4 para. 86 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Access to Health Records Act 1990 (c. 23)*

**87** The Access to Health Records Act 1990 is amended as follows.

**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

**Commencement Information**

**I56** Sch. 4 para. 87 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 88 In section 11 (interpretation), in the definition of “health service body”, the “or” before paragraph (d) is omitted and after that paragraph there is inserted—  
“(e) an NHS foundation trust”.

**Commencement Information**

**I57** Sch. 4 para. 88 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Water Industry Act 1991 (c. 56)*

- 89 The Water Industry Act 1991 is amended as follows.

**Commencement Information**

**I58** Sch. 4 para. 89 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 90 In Schedule 4A (premises that are not to be disconnected for non-payment of charges), in paragraph 16, at the end there is inserted “ or by an NHS foundation trust ”.

**Commencement Information**

**I59** Sch. 4 para. 90 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The London Local Authorities Act 1991 (c. xiii)*

- 91 The London Local Authorities Act 1991 is amended as follows.

**Commencement Information**

**I60** Sch. 4 para. 91 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

- 92 In section 4 (interpretation of Part 2), in paragraph (d) of the definition of “establishment for special treatment”, after “1990” there is inserted “ or by an NHS foundation trust ”.

**Commencement Information**

**I61** Sch. 4 para. 92 in force at 1.4.2004 by [S.I. 2004/759](#), **art. 2**

*The Health Service Commissioners Act 1993 (c. 46)*

- 93 The Health Service Commissioners Act 1993 is amended as follows.



**Changes to legislation:** Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

**Commencement Information**

**I62** Sch. 4 para. 93 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 94 In section 2 (the bodies subject to investigation), in subsection (1), after paragraph (da) there is inserted—  
“(db) NHS foundation trusts,”.

**Commencement Information**

**I63** Sch. 4 para. 94 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Vehicle Excise and Registration Act 1994 (c. 22)*

- 95 The Vehicle Excise and Registration Act 1994 is amended as follows.

**Commencement Information**

**I64** Sch. 4 para. 95 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 96 In Schedule 2 (exempt vehicles), in paragraph 7, after the “or” at the end of paragraph (b) there is inserted—  
“(ba) an NHS foundation trust, or”.

**Commencement Information**

**I65** Sch. 4 para. 96 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Value Added Tax Act 1994 (c. 23)*

- 97 The Value Added Tax Act 1994 is amended as follows.

**Commencement Information**

**I66** Sch. 4 para. 97 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 98 In Schedule 8 (zero-rating), in the Notes to Group 12, in paragraph (5H), after paragraph (e) there is inserted—  
“(eaa) an NHS foundation trust;”.

**Commencement Information**

**I67** Sch. 4 para. 98 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Employment Rights Act 1996 (c. 18)*

- 99 The Employment Rights Act 1996 is amended as follows.

**Changes to legislation:** Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

**Commencement Information**

**I68** Sch. 4 para. 99 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 100 In section 50 (right to time off for public duties), in subsection (8), after paragraph (a) there is inserted—  
“(ab) an NHS foundation trust”.

**Commencement Information**

**I69** Sch. 4 para. 100 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 101 In section 218 (change of employer), in subsection (10), after paragraph (c) there is inserted—  
“(ca) NHS foundation trusts”.

**Commencement Information**

**I70** Sch. 4 para. 101 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Housing Grants, Construction and Regeneration Act 1996 (c. 53)*

- 102 The Housing Grants, Construction and Regeneration Act 1996 is amended as follows.

**Commencement Information**

**I71** Sch. 4 para. 102 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 103 In section 3 (ineligible applicants), in subsection (2)(f), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

**Commencement Information**

**I72** Sch. 4 para. 103 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Education Act 1996 (c. 56)*

- 104 The Education Act 1996 is amended as follows.

**Commencement Information**

**I73** Sch. 4 para. 104 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

- 105 In section 332 (duty of Health Authority, a Primary Care Trust or National Health Service trust to notify parent etc.), in subsection (1), for “or a National Health Service trust” there is substituted “, a National Health Service trust or an NHS foundation trust”.

**Changes to legislation:** Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

**Commencement Information**

**I74** Sch. 4 para. 105 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Data Protection Act 1998 (c. 29)*

106 The Data Protection Act 1998 is amended as follows.

**Commencement Information**

**I75** Sch. 4 para. 106 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

107 In section 69 (meaning of “health professional”), in subsection (3), after paragraph (f) there is inserted—  
“(fa) an NHS foundation trust;”.

**Commencement Information**

**I76** Sch. 4 para. 107 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Health Act 1999 (c. 8)*

<sup>F11</sup>108 .....

**Textual Amendments**

**F11** Sch. 4 para. 108 repealed (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](#))

<sup>F12</sup>109 .....

**Textual Amendments**

**F12** Sch. 4 para. 109 repealed (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](#))

*The Care Standards Act 2000 (c. 14)*

110 The Care Standards Act 2000 is amended as follows.

**Commencement Information**

**I77** Sch. 4 para. 110 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

111 In section 42 (power to extend the application of Part 2), in subsection (2)(b)(ii), after “NHS trusts” there is inserted “, NHS foundation trusts”.

**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

**Commencement Information**

**I78** Sch. 4 para. 111 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

112 In section 121 (general interpretation), in subsection (1), in the definition of “National Health Service body”, after “National Health Service trust,” there is inserted “ an NHS foundation trust, ”.

**Commencement Information**

**I79** Sch. 4 para. 112 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Freedom of Information Act 2000 (c. 36)*

113 The Freedom of Information Act 2000 is amended as follows.

**Commencement Information**

**I80** Sch. 4 para. 113 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

114 In Part 3 of Schedule 1 (National Health Service), after paragraph 40 there is inserted—  
“40A An NHS foundation trust.”

**Commencement Information**

**I81** Sch. 4 para. 114 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The Health and Social Care Act 2001 (c. 15)*

<sup>F13</sup>115 .....

**Textual Amendments**

**F13** Sch. 4 paras. 115-118 repealed (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)

<sup>F13</sup>116 .....

**Textual Amendments**

**F13** Sch. 4 paras. 115-118 repealed (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)

<sup>F13</sup>117 .....

**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

**Textual Amendments**

**F13** Sch. 4 paras. 115-118 repealed (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](#))

<sup>F13</sup>118 .....

**Textual Amendments**

**F13** Sch. 4 paras. 115-118 repealed (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](#))

*The Anti-terrorism, Crime and Security Act 2001 (c. 24)*

119 The Anti-terrorism, Crime and Security Act 2001 is amended as follows.

**Commencement Information**

**I82** Sch. 4 para. 119 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

120 In Schedule 4 (extension of existing disclosure powers), at the end of Part 1 there is inserted—

“53A Paragraph 8(1) of Schedule 5 to the Health and Social Care (Community Health and Standards) Act 2003.”

**Commencement Information**

**I83** Sch. 4 para. 120 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The International Development Act 2002 (c. 1)*

121 The International Development Act 2002 is amended as follows.

**Commencement Information**

**I84** Sch. 4 para. 121 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

122 In Schedule 1 (statutory bodies to which section 9 applies), there is inserted at the appropriate place— “ An NHS foundation trust ”.

**Commencement Information**

**I85** Sch. 4 para. 122 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

*The National Health Service Reform and Health Care Professions Act 2002 (c. 17)*

<sup>F14</sup>123 .....

**Changes to legislation:** Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes

#### Textual Amendments

**F14** Sch. 4 para. 123 repealed (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](#))

<sup>F15</sup>124 .....

#### Textual Amendments

**F15** Sch. 4 para. 124 repealed (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](#))

#### *The Adoption and Children Act 2002 (c. 38)*

125 The Adoption and Children Act 2002 is amended as follows.

#### Commencement Information

**I86** Sch. 4 para. 125 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

126 In section 8 (adoption support agencies), in subsection (2)(d), for “or NHS trust” there is substituted “, NHS trust or NHS foundation trust”.

#### Commencement Information

**I87** Sch. 4 para. 126 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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

127 The Nationality, Immigration and Asylum Act 2002 is amended as follows.

#### Commencement Information

**I88** Sch. 4 para. 127 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

128 In section 133 (medical inspectors), in subsection (4)(a), after sub-paragraph (ii) there is inserted—  
“(ia) an NHS foundation trust.”

#### Commencement Information

**I89** Sch. 4 para. 128 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

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

129 The Community Care (Delayed Discharges etc.) Act 2003 is amended as follows.

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**Changes to legislation:** *Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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) View outstanding changes*

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**Commencement Information**

**190** Sch. 4 para. 129 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

130 In section 1 (meaning of “NHS body” and “qualifying hospital patient”), in subsection (1), in paragraph (a) of the definition of “NHS body”, after “trust;” there is inserted—

“(ab) an NHS foundation trust;”.

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**Commencement Information**

**191** Sch. 4 para. 130 in force at 1.4.2004 by [S.I. 2004/759](#), [art. 2](#)

**Changes to legislation:**

Health and Social Care (Community Health and Standards) Act 2003, SCHEDULE 4 is up to date with all changes known to be in force on or before 17 May 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.

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**Changes and effects yet to be applied to :**

- Sch. 4 para. 105 omitted by [2018 anaw 2 Sch. 1 para. 6\(e\)](#)
- Sch. 4 para. 104 and cross-heading omitted by [2018 anaw 2 Sch. 1 para. 6\(e\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(7)(i) modified (temp.) by [S.I. 2005/2925 art. 3\(1\)\(2\)](#) (This amendment not applied to [legislation.gov.uk](#). Art. 3 of the affecting S.I. was revoked (20.3.2006) by [S.I. 2006/836](#), art. 3)