

SCHEDULES

SCHEDULE 14

ABOLITION OF NHS TRUSTS IN ENGLAND: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE NATIONAL HEALTH SERVICE ACT 2006

5 In section 40 (power of Secretary of State to give financial assistance to NHS foundation trusts), for subsection (4) substitute—

“(4) For the purposes of subsection (3), an agreement is an externally financed development agreement if it is certified as such by the Secretary of State.

(4A) The Secretary of State may give a certificate under subsection (4) if—

- (a) in the opinion of the Secretary of State, the purpose or main purpose of the agreement is the provision of facilities or services in connection with the discharge by the NHS foundation trust of any of its functions, and
- (b) a person proposes to make a loan to, or provide any other form of finance for, another party in connection with the agreement.

(4B) In subsection (4A)(b), “another party” means any party to the agreement other than the NHS foundation trust.”