Health Act 2009

2009 CHAPTER 21

PART 2

POWERS IN RELATION TO HEALTH BODIES

Consequential amendments

18 Trust special administrators: consequential amendments

(1) The National Health Service Act 2006 (c. 41) is amended as follows.

(2) Section 53 (voluntary arrangements for NHS foundation trusts) is amended as follows.

(3) In subsection (1), after "NHS foundation trust" insert "to which this section applies".

(4) In subsection (2), after "NHS foundation trusts" insert "to which this section applies".

(5) After subsection (4) insert—

"(4A) This section applies to an NHS foundation trust to which sections 52B to 52E and Chapter 5A do not apply."

(6) In section 54 (dissolution etc. of NHS foundation trusts), in subsection (1), after "NHS foundation trust" insert "to which section 53 applies".

(7) In section 242 (public involvement and consultation), at the end insert—

"(6) This section does not require a body to make arrangements in relation to matters to which a trust special administrator's report or draft report under section 65F, 65I, 65R or 65U relates before the decision of the Secretary of State under section 65K or 65W has been published."

(8) In section 272 (orders, regulations, rules and directions)—

(a) in subsection (4), for "and (6)" substitute ", (6) and (6A)";

(b) in subsection (5), after paragraph (a) insert—

"(aa) section 52D(1) or (7) or 52E(6),

(ab) section 65B(1), 65E(1), 65J(2), 65L(2), (4) or (5), or 65V(2),";

(c) after subsection (6) insert—

"(6A) A statutory instrument containing an order under section 52D(1), 52E(6), 65B(1), 65E(1), 65J(2), 65L(2) or (4) or 65V(2) must be laid before Parliament after it is made."

(9) In section 275(1) (interpretation), in the definition of "NHS trust", at the end insert "and, subject to Schedule 8A, a body that becomes a National Health Service trust by virtue of an order made under section 52D(1) or 65E(1),".

(10) In paragraph 28(3) of Schedule 4 (NHS trusts established under section 25), after "as a matter of urgency" insert "or where the order is made following the publication of a final report under section 65I(3)".

(11) In Schedule 9 (NHS foundation trusts: transfer of staff), in paragraph 1 after "NHS foundation trust" insert "to which section 53 applies".

(12) In section 206(1) of the National Health Service (Wales) Act 2006 (c. 42) (interpretation), in the definition of "NHS trust", at the end insert "(including a body that becomes a National Health Service trust by virtue of an order made under section 52D(1) or 65E(1) of that Act)".