



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),

Status: This is the original version (as it was originally enacted).

- (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)”.