



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 4

#### NHS FOUNDATION TRUSTS & NHS TRUSTS

##### *Failure*

#### **173 Repeal of de-authorisation provisions**

- (1) Omit section 52C of the National Health Service Act 2006 (guidance etc. on de-authorisation notices).
- (2) Omit sections 53 to 55 of, and Schedule 9 to, that Act (voluntary arrangements and dissolution); and in consequence of that—
  - (a) in section 57 of that Act (as amended by section 172 of this Act)—
    - (i) in subsection (3)(a), for “the persons mentioned in section 54(4)” substitute “another NHS foundation trust, an NHS trust established under section 25 or the Secretary of State”,
    - (ii) omit subsection (3)(b), and
    - (iii) in subsection (4), for “any of the bodies mentioned in section 54(4) (a) or (c)” substitute “another NHS foundation trust or an NHS trust established under section 25”,
  - (b) in section 64(4) of that Act (as amended by section 172 of this Act), omit paragraph (b), and
  - (c) omit section 18(2) to (6) and (11) of the Health Act 2009.
- (3) Omit section 65E of the National Health Service Act 2006 (NHS foundation trusts: de-authorisation and appointment of administrator).
- (4) Omit Schedule 8A to that Act (de-authorised NHS trusts and NHS foundation trusts).
- (5) Omit section 15 of the Health Act 2009 (which inserts sections 52A to 52E and Schedule 8A in the National Health Service Act 2006).

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*Changes to legislation: Health and Social Care Act 2012, Section 173 is up to date with all changes known to be in force on or before 24 April 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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- (6) In section 272 of the National Health Service Act 2006 (orders, regulations, rules and directions)—
- (a) in subsection (5), omit paragraph (aa), and
  - (b) in subsection (6A), omit “52D(1), 52E(6),”.
- (7) In section 275(1) of that Act (interpretation), in the definition of “NHS trust”—
- (a) omit “, subject to Schedule 8A,”, and
  - (b) omit “52D(1) or”.
- (8) In section 206(1) of the National Health Service (Wales) Act 2006, in the definition of “NHS trust”, omit “52D(1) or”.

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**Commencement Information**

- I1** S. 173(1)(3)-(8) in force at 1.11.2012 by [S.I. 2012/2657](#), **art. 2(2)**
- I2** S. 173(2) in force at 1.4.2013 by [S.I. 2013/671](#), **art. 2(3)**

**Changes to legislation:**

Health and Social Care Act 2012, Section 173 is up to date with all changes known to be in force on or before 24 April 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 :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)