



National Health Service Act 2006

2006 CHAPTER 41

PART 2

HEALTH SERVICE BODIES

[^{F1}CHAPTER 5A

TRUST SPECIAL ADMINISTRATORS: NHS TRUSTS AND NHS FOUNDATION TRUSTS

F1 ...

[^{F1}65D [^{F2}NHS foundation trusts: appointment of trust special administrator]

[^{F3}(1) This section applies if [^{F4}NHS England] is satisfied that [^{F5}—

- (a) an NHS foundation trust is, or is likely to become, unable to pay its debts][^{F6},
or
- (b) there is a serious failure by an NHS foundation trust to provide services that are of sufficient quality to be provided under this Act and it is appropriate to make an order under subsection (2).]

[This section also applies if the Care Quality Commission—

- ^{F7}(1A) (a) is satisfied that there is a serious failure by an NHS foundation trust to provide services that are of sufficient quality to be provided under this Act and that it is appropriate to make an order under subsection (2),
- (b) informs [^{F8}NHS England] that it is satisfied as mentioned in paragraph (a) and gives [^{F8}NHS England] its reasons for being so satisfied, and
 - (c) requires [^{F9}NHS England] to make an order under subsection (2).]

[^{F3}(2) [^{F10}NHS England] may [^{F11}or, where this section applies as a result of subsection (1A), must] make an order authorising the appointment of a trust special administrator to exercise the functions of the governors, chairman and directors of the trust.]

Changes to legislation: National Health Service Act 2006, Section 65D is up to date with all changes known to be in force on or before 22 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

[Where NHS England is not required to make an order under this section as a result of ^{F12}(2A) subsection (1A), it may do so only if the Secretary of State has approved the making of the order.]

[^{F3}(3) As soon as reasonably practicable after the making of an order under subsection (2), the Care Quality Commission must provide to [^{F13}NHS England] a report on the safety and quality of the services that the trust provides under this Act.]

[Before imposing a requirement as mentioned in subsection (1A)(c), the Care Quality ^{F14}(3A) Commission must—

- (a) consult the Secretary of State and [^{F15}NHS England], and
- (b) having done that, consult—
 - (i) the trust,
 - (ii) ^{F16}... and
 - (iii) any other person to which the trust provides services under this Act and which the Commission considers it appropriate to consult.]

[^{F17}(4) Before making an order under this section in a case where it is not required to do so as a result of subsection (1A), NHS England must consult—

- (a) the trust,
- (b) any person to which the trust provides services under this Act and which NHS England considers it appropriate to consult, and
- (c) the Care Quality Commission.]

[An order under subsection (2) must specify the date when the appointment is to take ^{F18}(5) effect, which must be within the period of 5 working days beginning with the day on which the order is made.

(6) [^{F19}NHS England] must lay before Parliament (with the statutory instrument containing the order) a report stating the reasons for making the order.

(7) If [^{F20}NHS England] makes an order under subsection (2), it must—

- (a) appoint a person as the trust special administrator with effect from the day specified in the order, and
- (b) publish the name of the person appointed.

(8) A person appointed as a trust special administrator under this section holds and vacates office in accordance with the terms of the appointment.

(9) A person appointed as a trust special administrator under this section must manage the trust's affairs, business and property, and exercise the trust special administrator's functions, so as to achieve the objective set out in section 65DA as quickly and as efficiently as is reasonably practicable.

(10) When the appointment of a trust special administrator under this section takes effect, the trust's governors, chairman and executive and non-executive directors are suspended from office; and Chapter 5 of this Part, in its application to the trust, is to be read accordingly.

(11) But subsection (10) does not affect the employment of the executive directors or their membership of any committee or sub-committee of the trust.

[^{F21}(12) NHS England may pay remuneration and expenses to a trust special administrator appointed under this section.]]]

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Textual Amendments

- F1** Pt. 2 Ch. 5A inserted (15.2.2010) by [Health Act 2009 \(c. 21\)](#), **ss. 16**, 40(1); S.I. 2010/30, art. 3(a)
- F2** S. 65D heading substituted (1.11.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 174(6)**, 306(4); S.I. 2012/2657, art. 2(2)
- F3** S. 65D(1)-(3) substituted (1.11.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 174(3)**, 306(4); S.I. 2012/2657, art. 2(2)
- F4** Words in s. 65D(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 65D(1)(a): words in s. 65D(1) renumbered as s. 65D(1)(a) (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 84(1)(a)**, 127(1); S.I. 2014/1714, art. 3(2)(a)
- F6** S. 65D(1)(b) and preceding word inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 84(1)(b)**, 127(1); S.I. 2014/1714, art. 3(2)(a)
- F7** S. 65D(1A) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 84(2)**, 127(1); S.I. 2014/1714, art. 3(2)(a)
- F8** Words in s. 65D(1A)(b) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** Words in s. 65D(1A)(c) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 65D(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in s. 65D(2) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 84(3)**, 127(1); S.I. 2014/1714, art. 3(2)(a)
- F12** S. 65D(2A) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Words in s. 65D(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(5)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F14** S. 65D(3A) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 84(4)**, 127(1); S.I. 2014/1714, art. 3(2)(a)
- F15** Words in s. 65D(3A)(a) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(6)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F16** S. 65D(3A)(b)(ii) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(6)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F17** S. 65D(4) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(7)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F18** S. 65D(5)-(12) inserted (1.11.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 174(5)**, 306(4); S.I. 2012/2657, art. 2(2)
- F19** Words in s. 65D(6) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(8)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F20** Words in s. 65D(7) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(9)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F21** S. 65D(12) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 3(10)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Changes to legislation:

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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. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of 2012 c. 7, Sch. 14 para. 4A (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 35(3A) by 2012 c. 7 s.159(4) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by 2014 c. 23, ss. 85(15), 120(18)(b)(c), 127(1); S.I. 2014/1714, art. 3(2)(b)(c))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to legislation.gov.uk. 2012 c. 7 Sch. 14 revoked at 1.7.2022 by 2022 c. 31, s. 186(6), Sch. 7 para. 13 before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)
- Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)