



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 5

HEALTH SPECIAL ADMINISTRATION

128 Health special administration orders

- (1) In this Chapter “health special administration order” means an order which—
 - (a) is made by the court in relation to a relevant provider, and
 - (b) directs that the affairs, business and property of the provider are to be managed by one or more persons appointed by the court.
- (2) An application to the court for a health special administration order may be made only by Monitor.
- (3) A person appointed as mentioned in subsection (1)(b) is referred to in this Chapter as a “health special administrator”.
- (4) A health special administrator of a company—
 - (a) is an officer of the court, and
 - (b) in exercising functions in relation to the company, is the company’s agent.
- (5) A person is not to be the health special administrator of a company unless the person is qualified to act as an insolvency practitioner in relation to the company.
- (6) A health special administrator of a relevant provider must manage its affairs, business and property, and exercise the health special administrator’s functions, so as to—
 - (a) achieve the objective set out in section 129 as quickly and as efficiently as is reasonably practicable,

Status: This is the original version (as it was originally enacted).

- (b) in seeking to achieve that objective, ensure that any regulated activity carried on in providing the services provided by the provider is carried on in accordance with any requirements or conditions imposed in respect of that activity by virtue of Chapter 2 of Part 1 of the Health and Social Care Act 2008,
 - (c) so far as is consistent with the objective set out in section 129, protect the interests of the creditors of the provider as a whole, and
 - (d) so far as is consistent with that objective and subject to those interests, protect the interests of the members of the provider as a whole.
- (7) In relation to a health special administration order applying to a non-GB company, references in this Chapter to the affairs, business and property of the company are references only to its affairs and business so far as carried on in Great Britain and to its property in Great Britain.
- (8) In this section—
- (a) a reference to a person qualified to act as an insolvency practitioner in relation to a company is to be construed in accordance with Part 13 of the Insolvency Act 1986 (insolvency practitioners and their qualifications);
 - (b) “regulated activity” has the same meaning as in Part 1 of the Health and Social Care Act 2008 (see section 8 of that Act).
- (9) In this Chapter—
- “business” and “property” each have the same meaning as in the Insolvency Act 1986 (see section 436 of that Act);
 - “company” includes a company not registered under the Companies Act 2006;
 - “court”, in relation to a company, means the court—
 - (a) having jurisdiction to wind up the company, or
 - (b) that would have such jurisdiction apart from section 221(2) or 441(2) of the Insolvency Act 1986 (exclusion of winding up jurisdiction in case of companies incorporated in, or having principal place of business in, Northern Ireland);
 - “member” is to be read in accordance with section 250 of the Insolvency Act 1986;
 - “non-GB company” means a company incorporated outside Great Britain;
 - “relevant provider” means a company which is providing services to which a condition included in the company’s licence under section 97(1)(i), (j) or (k) applies;
 - “wholly-owned subsidiary” has the meaning given by section 1159 of the Companies Act 2006.