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*Changes to legislation: There are currently no known outstanding effects for the Health and Care Act 2022, Paragraph 5. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 8

#### TRUST SPECIAL ADMINISTRATORS: NHS TRUSTS AND NHS FOUNDATION TRUSTS

##### PART 1

###### AMENDMENTS ABOUT TRUST SPECIAL ADMINISTRATORS

- 5 (1) Section 65F (draft report) is amended as follows.
- (2) For subsections (1) to (3) substitute—
- “(1) A trust special administrator appointed in relation to an NHS trust must, within the period of 65 working days beginning with the day on which the administrator’s appointment takes effect—
- (a) provide NHS England and the Secretary of State with a draft report recommending any action that NHS England or the Secretary of State should take in relation to the trust, and
  - (b) publish a copy of that draft report.
- (1A) A trust special administrator appointed in relation to an NHS foundation trust must, within the period of 65 working days beginning with the day on which the administrator’s appointment takes effect—
- (a) provide NHS England with a draft report recommending the action that NHS England should take in relation to the trust, and
  - (b) publish a copy of that draft report,
- unless unable to obtain the statements required by subsections (1B) and (1C).
- (1B) A trust special administrator may not provide a draft report under subsection (1A)—
- (a) without having obtained a statement from each commissioner that the commissioner considers that the recommendation in the draft report—
    - (i) would achieve the objective set out in section 65DA(1)(a), and
    - (ii) would do so without harming essential services provided for the purposes of the NHS by any other NHS foundation trust or NHS trust that provides services under this Act to the commissioner, or
  - (b) where the administrator is unable to obtain a statement to that effect from one or more of the commissioners (other than NHS England), without having obtained a statement to that effect from NHS England.

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(1C) A trust special administrator may not provide a draft report under subsection (1A) without having obtained a statement from the Care Quality Commission that it considers that the recommendation in the draft report would achieve that part of the objective set out in section 65DA(1)(aa).

(2) When preparing a draft report under subsection (1) or (1A), the administrator must consult—

- (a) any person to which the trust provides goods or services under this Act and which NHS England directs the administrator to consult, and
- (b) the Care Quality Commission.

(3) After receiving a draft report under subsection (1) or (1A), NHS England must lay it before Parliament.”

(3) Omit subsections (4), (5) and (5A).

(4) For subsection (6) substitute—

“(6) Where NHS England decides not to provide to the administrator a statement to the effect mentioned in subsection (1B)(b), NHS England must—

- (a) give a notice of the reasons for its decision to the administrator,
- (b) publish the notice, and
- (c) lay a copy of it before Parliament.

(6A) Where the Care Quality Commission decides not to provide to the administrator a statement to the effect mentioned in subsection (1C), the Commission must—

- (a) give a notice of the reasons for its decision to the administrator and to NHS England,
- (b) publish the notice, and
- (c) lay a copy of it before Parliament.”

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#### Commencement Information

**I1** Sch. 8 para. 5 not in force at Royal Assent, see **s. 186(6)**

**I2** Sch. 8 para. 5 in force at 1.7.2022 by **S.I. 2022/734**, reg. 2(a), **Sch.** (with regs. 13, 29, 30)

**Changes to legislation:**

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