

2013 No. 2671

NATIONAL HEALTH SERVICE, ENGLAND

The Mid Staffordshire NHS Foundation Trust (Trust Special Administrators Extension of Time)(No. 2) Order 2013

<i>Made</i>	- - - -	<i>17th October 2013</i>
<i>Laid before Parliament</i>		<i>21st October 2013</i>
<i>Coming into force</i>	- -	<i>22nd October 2013</i>

Monitor, being satisfied that it is not reasonable in the circumstances for the trust special administrators of Mid Staffordshire NHS Foundation Trust to carry out the duty of providing Monitor with a final report within the specified statutory period, in exercise of the power conferred by section 65J(2) and (5) of the National Health Service Act 2006(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mid Staffordshire NHS Foundation Trust (Trust Special Administrators Extension of Time)(No. 2) Order 2013 and comes into force on 22nd October 2013.

(2) In this Order—

“the 2006 Act” means the National Health Service Act 2006;

“the trust special administrators” means the trust special administrators(b) appointed to Mid Staffordshire NHS Foundation Trust(c).

Extension of time for provision of final report

2. The period of time within which the trust special administrators must carry out their duty of providing a final report to Monitor is extended from 15 working days, as specified in section 65I(1) of the 2006 Act(d), to 55 working days.

Signed by authority of Monitor

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- (a) 2006 c.41. Section 65J(2) was inserted by section 16 of the Health Act 2009 (c.21). Section 65J(5) was inserted by section 176 of the Health and Social Care Act 2012 (c.7) and provides that the power in section 65J(2) is to be exercised by Monitor in the case of NHS foundation trusts. See section 275(1) of the National Health Service Act 2006 as amended by paragraph 11 of Schedule 13 to the Health and Social Care Act 2012 for the definition of “the regulator”.
- (b) The trust special administrators were appointed by Monitor further to The Mid Staffordshire NHS Foundation Trust (Appointment of Trust Special Administrators) Order 2013 (S.I. 2013/838).
- (c) Mid Staffordshire NHS Foundation Trust established by the Mid-Staffordshire General Hospitals National Health Service Trust (Establishment) Order 1992 (S.I. 1992/2558) and authorised as an NHS Foundation Trust by Monitor on 1 February 2008 pursuant to section 35 of the National Health Service Act 2006.
- (d) Section 65I(1) was inserted by section 16 of the Health Act 2009.

17th October 2013

David Bennett
Chief Executive
Monitor

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the period of time within which the trust special administrators of Mid Staffordshire NHS Foundation Trust must provide a final report to Monitor. The final report must state the action which the trust special administrators recommend that Monitor should take in relation to Mid Staffordshire NHS Foundation Trust. The statutory period of 15 working days for the provision of the final report is extended to 55 working days. The statutory period of 15 working days for the provision of the final report began with the end of the consultation period. The consultation period is defined in section 65G(2) of the 2006 Act and was extended from 30 working days to 40 working days further to The Mid Staffordshire NHS Foundation Trust (Trust Special Administrators Extension of Time) Order 2013 (S.I. 2013/1483).

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