



# Health Act 2009

## 2009 CHAPTER 21

### PART 2

#### POWERS IN RELATION TO HEALTH BODIES

##### *Consequential amendments*

#### **18 Trust special administrators: consequential amendments**

(1) The National Health Service Act 2006 (c. 41) is amended as follows.

<sup>F1</sup>(2) .....

<sup>F1</sup>(3) .....

<sup>F1</sup>(4) .....

<sup>F1</sup>(5) .....

<sup>F1</sup>(6) .....

(7) In section 242 (public involvement and consultation), at the end insert—

“(6) This section does not require a body to make arrangements in relation to matters to which a trust special administrator's report or draft report under section 65F, 65I, 65R or 65U relates before the decision of the Secretary of State under section 65K or 65W has been published.”

(8) In section 272 (orders, regulations, rules and directions)—

(a) in subsection (4), for “and (6)” substitute “, (6) and (6A) ”;

(b) in subsection (5), after paragraph (a) insert—

“(aa) section 52D(1) or (7) or 52E(6),

(ab) section 65B(1), 65E(1), 65J(2), 65L(2), (4) or (5), or 65V(2).”;

(c) after subsection (6) insert—

*Changes to legislation: Health Act 2009, Cross Heading: Consequential amendments is up to date with all changes known to be in force on or before 09 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*

“(6A) A statutory instrument containing an order under section 52D(1), 52E(6), 65B(1), 65E(1), 65J(2), 65L(2) or (4) or 65V(2) must be laid before Parliament after it is made.”

(9) In section 275(1) (interpretation), in the definition of “NHS trust”, at the end insert “ and, subject to Schedule 8A, a body that becomes a National Health Service trust by virtue of an order made under section 52D(1) or 65E(1), ”.

(10) In paragraph 28(3) of Schedule 4 (NHS trusts established under section 25), after “as a matter of urgency” insert “ or where the order is made following the publication of a final report under section 65I(3) ”.

<sup>F2</sup>(11) . . . . .

(12) In section 206(1) of the National Health Service (Wales) Act 2006 (c. 42) (interpretation), in the definition of “NHS trust”, at the end insert “ (including a body that becomes a National Health Service trust by virtue of an order made under section 52D(1) or 65E(1) of that Act) ”.

<b>Textual Amendments</b>	
<b>F1</b>	S. 18(2)-(6) omitted (1.4.2013) by virtue of <a href="#">Health and Social Care Act 2012 (c. 7)</a> , <b>ss. 173(2)(c), 306(4)</b> ; <a href="#">S.I. 2013/671</a> , art. 2(3)
<b>F2</b>	S. 18(11) omitted (1.4.2013) by virtue of <a href="#">Health and Social Care Act 2012 (c. 7)</a> , <b>ss. 173(2)(c), 306(4)</b> ; <a href="#">S.I. 2013/671</a> , art. 2(3)
<b>Commencement Information</b>	
<b>I1</b>	S. 18 in force at 15.2.2010 for specified purposes by <a href="#">S.I. 2010/30</a> , <b>art. 3(b)</b>

**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. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

**Commencement Orders yet to be applied to the Health Act 2009**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing [SI 2010/1068 art. 2](#)