



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 4

#### NHS FOUNDATION TRUSTS & NHS TRUSTS

##### *Failure*

#### **178 Sections 174 to 177: supplementary**

- (1) At the end of section 65M of the National Health Service Act 2006 (replacement of trust special administrator) insert—

“(3) For the purposes of this section in its application to the case of an NHS foundation trust, the references to the Secretary of State are to be read as references to the regulator.”

- (2) In section 65N of that Act (power to issue guidance), after subsection (2) insert—

“(2A) It must include guidance about the publication of—

- (a) notices under section 65KC(4)(a);
- (b) statements under section 65KC(4)(b).”

- (3) At the end of that section insert—

“(4) For the purposes of this section in its application to cases of NHS foundation trusts, the reference in subsection (1) to the Secretary of State is to be read as a reference to the regulator.”

- (4) In section 65O of that Act (interpretation of Chapter 5A), in the definition of “trust special administrator”, after “65B(6)(a)” insert “, section 65D(2)”.

- (5) In section 39 of that Act (register of NHS foundation trusts), in subsection (2), at the end insert “,

- (g) a copy of any order made under section 65D, 65J, 65KC, 65L or 65LA,

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*Status: This is the original version (as it was originally enacted).*

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- (h) a copy of any report laid under section 65D,
  - (i) a copy of any information published under section 65D,
  - (j) a copy of any draft report published under section 65F,
  - (k) a copy of any statement provided under section 65F,
  - (l) a copy of any notice published under section 65F, 65G, 65H, 65J, 65KA, 65KB, 65KC or 65KD,
  - (m) a copy of any statement published or provided under section 65G,
  - (n) a copy of any final report published under section 65I,
  - (o) a copy of any statement published under section 65J or 65KC,
  - (p) a copy of any information published under section 65M.”
- (6) In section 272 of that Act (orders etc.), in subsection (5), in paragraph (ab)—
- (a) after “65B(1),” insert “65D(2),”
  - (b) omit “65E(1),”
  - (c) after “65J(2),” insert “65KC(3),” and
  - (d) for “65L(2), (4) or (5)” substitute “65L(2) or (7), 65LA(3)”.
- (7) After subsection (6) insert—
- “(6ZA) The Statutory Instruments Act 1946 applies in relation to the power of the regulator to make an order under Chapter 5A as if the regulator were a Minister of the Crown.”
- (8) In subsection (6A) of that section—
- (a) after “65B(1),” insert “65D(2),”
  - (b) omit “65E(1),”
  - (c) after “65J(2),” insert “65KC(3),”
  - (d) after “65L(2) or (4)” insert “, 65LA(3),” and
  - (e) for “(4)” substitute “(7)”.
- (9) In section 275(1) of that Act (interpretation), in the definition of “NHS trust”, omit the words from “and” to the end.
- (10) In paragraph 22(1) of Schedule 7 to that Act (documents which must be made available to the public free of charge), at the end insert “,
- (g) a copy of any order made under section 65D, 65J, 65KC, 65L or 65LA,
  - (h) a copy of any report laid under section 65D,
  - (i) a copy of any information published under section 65D,
  - (j) a copy of any draft report published under section 65F,
  - (k) a copy of any statement provided under section 65F,
  - (l) a copy of any notice published under section 65F, 65G, 65H, 65J, 65KA, 65KB, 65KC or 65KD,
  - (m) a copy of any statement published or provided under section 65G,
  - (n) a copy of any final report published under section 65I,
  - (o) a copy of any statement published under section 65J or 65KC,
  - (p) a copy of any information published under section 65M.”
- (11) In section 206(1) of the National Health Service (Wales) Act 2006, in the definition of “NHS trust”, omit the words from “(including” to the end.