



Care Act 2014

2014 CHAPTER 23

PART 2

CARE STANDARDS

Quality of services

84 Trust special administration: appointment of administrator

- (1) In section 65D of the National Health Service Act 2006 (NHS foundation trusts: appointment of trust special administrator), in subsection (1)—
- (a) after “satisfied that” insert “—
(a)”,
and
 - (b) at the end insert “, or
(b) there is a serious failure by an NHS foundation trust to provide services that are of sufficient quality to be provided under this Act and it is appropriate to make an order under subsection (2).”
- (2) After that subsection insert—
- “(1A) This section also applies if the Care Quality Commission—
- (a) is satisfied that there is a serious failure by an NHS foundation trust to provide services that are of sufficient quality to be provided under this Act and that it is appropriate to make an order under subsection (2),
 - (b) informs the regulator that it is satisfied as mentioned in paragraph (a) and gives the regulator its reasons for being so satisfied, and
 - (c) requires the regulator to make an order under subsection (2).”
- (3) In subsection (2) of that section, after “The regulator may” insert “or, where this section applies as a result of subsection (1A), must”.
- (4) After subsection (3) of that section insert—

Status: This is the original version (as it was originally enacted).

- “(3A) Before imposing a requirement as mentioned in subsection (1A)(c), the Care Quality Commission must—
- (a) consult the Secretary of State and the regulator, and
 - (b) having done that, consult—
 - (i) the trust,
 - (ii) the Board, and
 - (iii) any other person to which the trust provides services under this Act and which the Commission considers it appropriate to consult.”
- (5) In subsection (4) of that section, after “making an order under this section” insert “(except where it is required to do so as a result of subsection (1A))”.
- (6) In section 65N of that Act (guidance for trust special administrators), after subsection (3) insert—
- “(3A) Before publishing guidance under this section, the Secretary of State must consult the Care Quality Commission.”
- (7) In subsection (4) of that section, for “the reference in subsection (1) to the Secretary of State is to be read as a reference” substitute “the references in subsections (1) and (3A) to the Secretary of State are to be read as references”.
- (8) In paragraph 24 of Schedule 14 to the Health and Social Care Act 2012 (abolition of NHS trusts in England: consequential amendments to section 65N of the National Health Service Act 2006), after sub-paragraph (2) insert—
- “(2A) In subsection (3A), for “the Secretary of State” substitute “the regulator”.”