



Health and Social Care Act 2001

2001 CHAPTER 15

PART 1

NATIONAL HEALTH SERVICE

Intervention powers

13 Intervention orders

(1) After section 84 of the 1977 Act there shall be inserted—

“84A Intervention orders

(1) If the Secretary of State—

(a) is of the opinion that a body to which this section applies is not performing one or more of its functions adequately or at all, or that there are significant failings in the way the body is being run, and

(b) is satisfied that it is appropriate for him to intervene under this section, he may make an order under this section in respect of the body (an “intervention order”).

(2) The bodies to which this section applies are—

- (a) Health Authorities,
- (b) Special Health Authorities,
- (c) NHS trusts,
- (d) Primary Care Trusts.

(3) An intervention order may make any provision authorised by section 84B below (including any combination of such provisions).

84B Intervention orders: effect

(1) In this section—

Status: This is the original version (as it was originally enacted).

- (a) “member” means a member of a Health Authority, Special Health Authority or Primary Care Trust, or a member of the board of directors of an NHS trust,
 - (b) “employee member” means a member of a Health Authority, Special Health Authority or Primary Care Trust who is an officer of the Authority or Trust, or an executive director of an NHS trust.
- (2) An intervention order may provide for the removal from office of—
 - (a) all the members, or
 - (b) those specified in the order,
 and for their replacement with individuals specified in or determined in accordance with the order (who need not be the same in number as the removed individuals).
- (3) An intervention order may provide for the suspension (either wholly, or in respect only of powers and duties specified in or determined in accordance with the order) of—
 - (a) all the members, or
 - (b) those specified in the order,
 and for the powers of the suspended members to be exercised, and their duties performed, during their suspension by individuals specified in or determined in accordance with the order (who need not be the same in number as the suspended individuals).
- (4) The powers and duties referred to in subsection (3) are, in the case of an employee member, only those which he has in his capacity as a member.
- (5) An intervention order may contain directions to the body to which it relates to secure that a function of the body specified in the directions—
 - (a) is performed, to the extent specified in the directions, on behalf of the body and at its expense, by such person as is specified in the directions, and
 - (b) is so performed in such a way as to achieve such objectives as are so specified,
 and the directions may require that any contract or other arrangement made by the body with that person contains such terms and conditions as may be so specified.
- (6) If the person referred to in subsection (5)(a) is a body referred to in section 84A(2) above, the functions of that body include the performance of the functions specified in the directions under subsection (5); and, if that body is a Health Authority, are primary functions of the Authority.
- (7) Subsection (8) applies in relation to any provision—
 - (a) in this Act, the National Health Service and Community Care Act 1990 (c. 19), or the Health and Social Care Act 2001; or
 - (b) in any order or regulations made, or directions given, under any of those Acts,
 which relates to the membership of the body to which an intervention order relates (or of its board of directors, in the case of an NHS trust), or relates to its procedure.

- (8) If the Secretary of State considers it appropriate, the intervention order may, in relation to any such provision specified in the order, provide—
 - (a) that it is not to apply in relation to the body while the order remains in force; or
 - (b) that it is to apply in relation to the body, while the order remains in force, with modifications specified in the order.
- (9) An intervention order may contain such supplementary directions to the body to which it relates as the Secretary of State considers appropriate for the purpose of giving full effect to the order.”
- (2) In section 126 of the 1977 Act (orders, regulations and directions), in subsection (1), after “section 28EE(2)” there shall be inserted “or section 84A”.