



National Health Service Act 2006

2006 CHAPTER 41

PART 2

HEALTH SERVICE BODIES

[^{F1}CHAPTER 5A

TRUST SPECIAL ADMINISTRATORS: NHS TRUSTS AND NHS FOUNDATION TRUSTS

Consultation and report

[^{F1}65F Draft report

[^{F2}(1) A trust special administrator appointed in relation to an NHS trust must, within the period of 65 working days beginning with the day on which the administrator's appointment takes effect—

- (a) provide NHS England and the Secretary of State with a draft report recommending any action that NHS England or the Secretary of State should take in relation to the trust, and
- (b) publish a copy of that draft report.

(1A) A trust special administrator appointed in relation to an NHS foundation trust must, within the period of 65 working days beginning with the day on which the administrator's appointment takes effect—

- (a) provide NHS England with a draft report recommending the action that NHS England should take in relation to the trust, and
- (b) publish a copy of that draft report,

unless unable to obtain the statements required by subsections (1B) and (1C).

(1B) A trust special administrator may not provide a draft report under subsection (1A)—

- (a) without having obtained a statement from each commissioner that the commissioner considers that the recommendation in the draft report—

Changes to legislation: National Health Service Act 2006, Section 65F is up to date with all changes known to be in force on or before 26 April 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

- (i) would achieve the objective set out in section 65DA(1)(a), and
 - (ii) would do so without harming essential services provided for the purposes of the NHS by any other NHS foundation trust or NHS trust that provides services under this Act to the commissioner, or
 - (b) where the administrator is unable to obtain a statement to that effect from one or more of the commissioners (other than NHS England), without having obtained a statement to that effect from NHS England.
- (1C) A trust special administrator may not provide a draft report under subsection (1A) without having obtained a statement from the Care Quality Commission that it considers that the recommendation in the draft report would achieve that part of the objective set out in section 65DA(1)(aa).
- (2) When preparing a draft report under subsection (1) or (1A), the administrator must consult—
- (a) any person to which the trust provides goods or services under this Act and which NHS England directs the administrator to consult, and
 - (b) the Care Quality Commission.
- (3) After receiving a draft report under subsection (1) or (1A), NHS England must lay it before Parliament.]
- ^{F3}(4)
- ^{F4}(5)
- ^{F5}(5A)
- [^{F6}(6) Where NHS England decides not to provide to the administrator a statement to the effect mentioned in subsection (1B)(b), NHS England must—
- (a) give a notice of the reasons for its decision to the administrator,
 - (b) publish the notice, and
 - (c) lay a copy of it before Parliament.
- (6A) Where the Care Quality Commission decides not to provide to the administrator a statement to the effect mentioned in subsection (1C), the Commission must—
- (a) give a notice of the reasons for its decision to the administrator and to NHS England,
 - (b) publish the notice, and
 - (c) lay a copy of it before Parliament.]
- (7) In subsection (5), “commissioner” means a person to which the trust provides services under this Act.
- [Where the administrator recommends taking action in relation to another NHS
- ^{F7}(8) foundation trust or an NHS trust, the references in subsection (5) to a commissioner also include a reference to a person to which the other NHS foundation trust or the NHS trust provides services under this Act that would be affected by the action.
- (9) A service provided by an NHS foundation trust or an NHS trust is an essential service for the purposes of subsection (5) if the person making the statement in question is satisfied that the criterion in section 65DA(3) is met.
- (10) Section 65DA(4) applies to the person making the statement when that person is determining whether that criterion is met.]]

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Textual Amendments

- F1** Pt. 2 Ch. 5A inserted (15.2.2010) by Health Act 2009 (c. 21), **ss. 16**, 40(1); S.I. 2010/30, art. 3(a)
- F2** S. 65F(1)-(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 5(2)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** S. 65F(4) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 5(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F4** S. 65F(5) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 5(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 65F(5A) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 5(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F6** S. 65F(6)(6A) substituted for s. 65F(6) (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 5(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** S. 65F(8)-(10) inserted (15.7.2014) by Care Act 2014 (c. 23), **ss. 120(4)**, 127(1); S.I. 2014/1714, art. 3(2)(c)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 65F(1) words substituted by [2012 c. 7 Sch. 14 para. 15\(2\)](#)
- s. 65F(2)(b) words omitted by [2012 c. 7 Sch. 14 para. 15\(3\)\(a\)](#)
- s. 65F(2)(b) words substituted by [2012 c. 7 Sch. 14 para. 15\(3\)\(b\)](#)
- s. 65F(3) words substituted by [2012 c. 7 Sch. 14 para. 15\(5\)](#)
- s. 65F(4)-(7) omitted by [2012 c. 7 Sch. 14 para. 15\(6\)](#)
- s. 65F(5)(a) words substituted by [2014 c. 23 s. 85\(4\)](#)
- s. 65F(8)-(10) omitted by virtue of [2012 c. 7, Sch. 14 para. 15\(8\)](#) (as inserted) by [2014 c. 23 s. 120\(18\)\(d\)](#)

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. 3B(1)(aa) inserted by [2022 c. 31 Sch. 3 para. 2\(b\)](#)
- s. 3B(1)(za) inserted by [2022 c. 31 Sch. 3 para. 2\(a\)](#)
- s. 13G(4) words omitted by virtue of [2012 c. 7, Sch. 14 para. 4A](#) (as inserted) by [2014 c. 23 s. 120\(18\)\(a\)](#)
- s. 35(3A)(3B) inserted by [2012 c. 7 s. 159\(4\)](#)
- s. 35(3A) words substituted by [2022 c. 31 Sch. 5 para. 12\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 35(3A) by [2012 c. 7 s. 159\(4\)](#) not yet in force.)
- s. 40(4)-(4B) substituted for s. 40(4) by [2012 c. 7 Sch. 14 para. 5](#)
- s. 42(1A) inserted by [2012 c. 7 Sch. 14 para. 6](#)
- s. 65F(2A)-(2F) inserted by [2012 c. 7 Sch. 14 para. 15\(4\)](#) (This amendment is itself amended before it comes into force by [2014 c. 23, ss. 85\(15\), 120\(18\)\(b\)\(c\), 127\(1\); S.I. 2014/1714, art. 3\(2\)\(b\)\(c\)](#))
- s. 65H(10A) inserted by [2012 c. 7 Sch. 14 para. 17\(4\)](#)
- s. 65H(10A) omitted by [2022 c. 31 Sch. 8 para. 7\(7\)](#) (This amendment not applied to [legislation.gov.uk](#). [2012 c. 7 Sch. 14](#) revoked at 1.7.2022 by [2022 c. 31, s. 186\(6\), Sch. 7 para. 13](#) before the insertion of s. 65H(10A) could come into effect.)
- s. 82A-83A and cross-heading substituted for s. 83 and cross-heading by [2022 c. 31 Sch. 3 para. 3](#)
- s. 84(4)-(4B) substituted for s. 84(4) by [2022 c. 31 Sch. 3 para. 4\(4\)](#)
- s. 92(5A) inserted by [2022 c. 31 Sch. 3 para. 9\(4\)](#)
- s. 94(3)(ca)(cb) substituted for s. 94(3)(ca) by [2022 c. 31 Sch. 3 para. 11\(3\)](#)
- s. 98A-98B substituted for s. 98A by [2022 c. 31 Sch. 3 para. 14](#)
- s. 98BC-99B and cross-heading substituted for s. 99 and cross-heading by [2022 c. 31 Sch. 3 para. 15](#)
- s. 100(3A)(3B) inserted by [2022 c. 31 Sch. 3 para. 16\(4\)](#)
- s. 109(3)(ca)(cb) substituted for s. 109(3)(ca) by [2022 c. 31 Sch. 3 para. 23\(3\)](#)
- s. 112(1)(za) inserted by [2022 c. 31 Sch. 3 para. 24\(2\)\(b\)](#)
- s. 114A-114B substituted for s. 114A by [2022 c. 31 Sch. 3 para. 26](#)
- s. 114C and cross-heading inserted by [2022 c. 31 Sch. 3 para. 27](#)
- s. 116A-116B and cross-heading inserted by [2022 c. 31 Sch. 3 para. 30](#)
- s. 117(4)(4A) substituted for s. 117(4) by [2022 c. 31 Sch. 3 para. 31\(4\)](#)
- s. 125A-125B substituted for s. 125A by [2022 c. 31 Sch. 3 para. 39](#)
- s. 223C(1)(c)(d) inserted by [2022 c. 31 s. 28](#)
- s. 223LA inserted by [2022 c. 31 s. 30\(3\)](#)

– Sch. 15 para. 4(1)(b) and word omitted by [2012 c. 7 Sch. 14 para. 39\(3\)](#)