

*Status: This version of this provision is prospective.*

*Changes to legislation: Health and Social Care Act 2012, Section 136 is up to date with all changes known to be in force on or before 24 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*



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

#### REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

### CHAPTER 6

#### FINANCIAL ASSISTANCE IN SPECIAL ADMINISTRATION CASES

#### *Applications for financial assistance*

PROSPECTIVE

### 136 Applications

- (1) [F<sup>1</sup>NHS England] may, on an application by a special administrator, provide financial assistance to the special administrator by using a mechanism established under section 134.
- (2) An application under this section must be in such form, and must be supported by such evidence or other information, as [F<sup>1</sup>NHS England] may require (and a requirement under this subsection may be imposed after the receipt, but before the determination, of the application).
- (3) If [F<sup>1</sup>NHS England] grants an application under this section, it must notify the applicant of—
  - (a) the purpose for which the financial assistance is being provided, and
  - (b) the other conditions to which its provision is subject.
- (4) The special administrator must secure that the financial assistance is used only—
  - (a) for the purpose notified under subsection (3)(a), and
  - (b) in accordance with the conditions notified under subsection (3)(b).

*Status: This version of this provision is prospective.*

*Changes to legislation: Health and Social Care Act 2012, Section 136 is up to date with all changes known to be in force on or before 24 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*

- (5) Financial assistance under this section may be provided only in the period during which the provider in question is in special administration.
- (6) If [<sup>F2</sup>NHS England] refuses an application under this section, it must notify the applicant of the reasons for the refusal.
- (7) [<sup>F2</sup>NHS England] must, on a request by an applicant whose application under this section has been refused, reconsider the application; but no individual involved in the decision to refuse the application may be involved in the decision on the reconsideration of the application.
- (8) For the purposes of reconsidering an application, [<sup>F2</sup>NHS England] may request information from the applicant.
- (9) [<sup>F2</sup>NHS England] must notify the applicant of its decision on reconsidering the application; and—
  - (a) if [<sup>F2</sup>NHS England] grants the application, it must notify the applicant of the matters specified in subsection (3), and
  - (b) if [<sup>F2</sup>NHS England] refuses the application, it must notify the applicant of the reasons for the refusal.
- (10) In this Chapter—
  - (a) “special administrator” means—
    - (i) a person appointed as a health special administrator under Chapter 5, or
    - (ii) a person appointed as a trust special administrator under section 65D(2) of the National Health Service Act 2006, and
  - (b) references to being in special administration are to be construed accordingly.

#### **Textual Amendments**

- F1** Words in s. 136(1)-(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 80](#); S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F2** Words in s. 136(6)-(9) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 80](#); S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

Health and Social Care Act 2012, Section 136 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**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):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)