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# National Health Service Act 2006

## 2006 CHAPTER 41

### PART 2

#### HEALTH SERVICE BODIES

#### [<sup>F1</sup>CHAPTER 5A

#### TRUST SPECIAL ADMINISTRATORS: NHS TRUSTS AND NHS FOUNDATION TRUSTS

#### *Consultation and report*

#### [<sup>F1</sup>65H Consultation requirements

- (1) The following duties apply during the consultation period.
- (2) The trust special administrator must publish a notice stating that the administrator is seeking responses to the draft report and describing how people can give their responses.
- (3) A notice under subsection (2) must include details of how responses can be given in writing.
- (4) The trust special administrator must [<sup>F2</sup>—
  - (a) hold at least one meeting to seek responses from staff of the trust and from such persons as the trust special administrator may recognise as representing staff of the trust [<sup>F3</sup>, and
  - (b) in the case of each affected trust, hold at least one meeting to seek responses from staff of the trust and from such persons as the trust special administrator may recognise as representing staff of the trust.]
- (5) The trust special administrator must hold at least one other meeting to seek responses from any person who wishes to attend, after publishing notice of the date, time and place of the meeting.

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(6) Notices under subsections (2) and (5) must be published at least once in the first 5 working days of the consultation period.

(7) The trust special administrator must request a written response from—

<sup>F4</sup>(za) .....

<sup>F5</sup>(a) .....

(b) any <sup>F6</sup>... person to which the trust provides goods or services under this Act <sup>F7</sup>...;

[ any affected trust; <sup>F8</sup>(bza)

(bzb) any person to which an affected trust provides goods or services under this Act that would be affected by the action recommended in the draft report;

(bzc) any local authority in whose area the trust provides goods or services under this Act;

(bzd) any local authority in whose area an affected trust provides goods or services under this Act;

(bze) any Local Healthwatch organisation for the area of a local authority mentioned in paragraph (bzc) or (bzd);]

[ the Care Quality Commission;]

<sup>F9</sup>(ba)

[<sup>F10</sup>(c) the member of Parliament for any constituency, if required by directions given by NHS England;

(d) any other person specified in a direction given by NHS England.]

<sup>F11</sup>(8) .....

(9) The trust special administrator must [<sup>F12</sup>—

(a)] hold at least one meeting to seek responses from representatives of <sup>F13</sup>... each of the persons from whom the administrator must request a written response under subsection [<sup>F14</sup>(7)(b), [<sup>F15</sup>(bzb),][<sup>F16</sup>(ba),] (c) or (d)],

[ hold at least one meeting to seek responses from representatives of each of the trusts from which the administrator must request a written response under subsection (7)(bza), and <sup>F17</sup>(b)

(c) hold at least one meeting to seek responses from representatives of each of the local authorities and Local Healthwatch organisations from which the administrator must request a written response under subsection (7)(bzc), (bzd) and (bze).]

[ NHS England may direct the administrator to hold a meeting to seek a response from <sup>F18</sup>(9A) any person.]

[<sup>F19</sup>(10) The Secretary of State may direct NHS England as to the persons from whom it should direct the administrator to—

(a) request a written response (for NHS England’s powers of direction, see subsection (7)(c) and (d));

(b) seek a response by holding a meeting (for NHS England’s power of direction, see subsection (9A)).]

(11) In subsection (4) “staff of the trust” means persons employed by the trust or otherwise working for the trust (whether as or on behalf of a contractor, as a volunteer or otherwise).

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- [ In this section, “affected trust” means—
- <sup>F20</sup>(11A) (a) where the trust in question is an NHS trust, another NHS trust, or an NHS foundation trust, which provides goods or services under this Act that would be affected by the action recommended in the draft report;
- (b) where the trust in question is an NHS foundation trust, another NHS foundation trust, or an NHS trust, which provides services under this Act that would be affected by the action recommended in the draft report.
- (11B) In this section, a reference to a local authority includes a reference to the council of a district only where the district is comprised in an area for which there is no county council.]
- [ For the purposes of this section in its application to the case of an NHS foundation
- <sup>F21</sup>(12) trust—
- (a) in subsection (7)(b) [<sup>F22</sup>, (bzb), (bzc) and (bzd)], the words “goods or” are to be ignored, <sup>F23</sup> ...
- <sup>F23</sup>(b) .....
- <sup>F24</sup>(13) ..... ]]

#### 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. 65H(4)(a): words in s. 65(4) renumbered as s. 65(4)(a) (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 120(8)(a)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F3** S. 65H(4)(b) and preceding word inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 120(8)(b)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F4** S. 65H(7)(za) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 7(2)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F5** S. 65H(7)(a) omitted (27.3.2012 for specified purposes, 1.11.2012 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 176(4)(b)**, 306(1)(d)(4); S.I. 2012/2657, art. 2(2)
- F6** Word in s. 65H(7)(b) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 7(2)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in s. 65H(7)(b) omitted (27.3.2012 for specified purposes, 1.11.2012 in so far as not already in force) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 176(4)(c)**, 306(1)(d)(4); S.I. 2012/2657, art. 2(2)
- F8** Ss. 65H(7)(bza)-(bze) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 120(9)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F9** S. 65H(7)(ba) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 85(10)(a)**, 127(1); S.I. 2014/1714, art. 3(2)(b)
- F10** S. 65H(7)(c)(d) substituted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 7(2)(c)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** S. 65H(8) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 7(3)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** S. 65H(9)(a): words in s. 65H(9) renumbered as s. 65H(9)(a) (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 120(11)(a)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F13** Words in s. 65H(9)(a) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 8 para. 7(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F14** Words in s. 65H(9) substituted (27.3.2012 for specified purposes, 1.11.2012 in so far as not already in force) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 176(6)(b)**, 306(1)(d)(4); S.I. 2012/2657, art. 2(2)
- F15** Word in s. 65H(9) inserted (15.7.2014) by [Care Act 2014 \(c. 23\)](#), **ss. 120(11)(b)**, 127(1); S.I. 2014/1714, art. 3(2)(c)

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- F16** Word in s. 65H(9) inserted (15.7.2014) by Care Act 2014 (c. 23), **ss. 85(10)(b)**, 127(1); S.I. 2014/1714, art. 3(2)(b)
- F17** S. 65H(9)(b)(c) inserted (15.7.2014) by Care Act 2014 (c. 23), **ss. 120(11)(c)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F18** S. 65H(9A) inserted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 7(5)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F19** S. 65H(10) substituted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 7(6)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F20** S. 65H(11A)(11B) inserted (15.7.2014) by Care Act 2014 (c. 23), **ss. 120(12)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F21** S. 65H(12)(13) inserted (27.3.2012 for specified purposes, 1.11.2012 in so far as not already in force) by Health and Social Care Act 2012 (c. 7), **ss. 176(7)**, 306(1)(d)(4); S.I. 2012/2657, art. 2(2)
- F22** Words in s. 65H(12)(a) inserted (15.7.2014) by Care Act 2014 (c. 23), **ss. 120(13)**, 127(1); S.I. 2014/1714, art. 3(2)(c)
- F23** S. 65H(12)(b) and word omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 7(8)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F24** S. 65H(13) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 8 para. 7(9)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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

- s. 65H(7)(b) words omitted by [2012 c. 7 Sch. 14 para. 17\(2\)\(a\)](#)
- s. 65H(7)(c)(d) words substituted by [2012 c. 7 Sch. 14 para. 17\(2\)\(b\)](#)
- s. 65H(10) words substituted by [2012 c. 7 Sch. 14 para. 17\(3\)](#)
- s. 65H(11A)(a) omitted by virtue of [2012 c. 7, Sch. 14 para. 17\(4A\)\(a\)](#) (as inserted) by [2014 c. 23 s. 120\(18\)\(g\)](#)
- s. 65H(11A)(b) words omitted by virtue of [2012 c. 7, Sch. 14 para. 17\(4A\)\(b\)](#) (as inserted) by [2014 c. 23 s. 120\(18\)\(g\)](#)
- s. 65H(12)(13) omitted by [2012 c. 7 Sch. 14 para. 17\(5\)](#)

**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. 98A98B 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. 114A114B 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. 116A116B 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. 125A125B 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\(3\)](#)