

2013 No. 1483

NATIONAL HEALTH SERVICE, ENGLAND

The Mid Staffordshire NHS Foundation Trust (Trust Special Administrators Extension of Time) Order 2013

<i>Made</i> - - - -	<i>17th June 2013</i>
<i>Laid before Parliament</i>	<i>18th June 2013</i>
<i>Coming into force</i> - -	<i>19th June 2013</i>

Monitor, being satisfied that it is not reasonable in the circumstances for the trust special administrators of Mid Staffordshire NHS Foundation Trust to carry out the duties of providing Monitor with a draft report and consulting on the draft report within the specified statutory periods, in exercise of the power conferred by section 65J(2) and (5) of the National Health Service Act 2006(a), makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Mid Staffordshire NHS Foundation Trust (Trust Special Administrators Extension of Time) Order 2013 and comes into force on 19th June 2013.

(2) In this Order—

“the 2006 Act” means the National Health Service Act 2006;

“the trust special administrators” means the trust special administrators(b) appointed to Mid Staffordshire NHS Foundation Trust(c).

Extension of time for provision of draft report

2. The period of time within which the trust special administrators must carry out their duty of providing a draft report to Monitor is extended from 45 working days, as specified in section 65F(1) of the 2006 Act, to 75 working days beginning with the day on which the trust special administrators’ appointment took effect.

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- (a) 2006 c.41. Section 65J(2) was inserted by section 16 of the Health Act 2009 (c. 21) and amended by section 179 of the Health and Social Care Act 2012 (c. 7). Section 65J(5) was inserted by section 176 of the Health and Social Care Act 2012 and provides that the power in section 65J(2) is to be exercised by Monitor in the case of NHS foundation trusts. See section 275(1) of the National Health Service Act 2006 as amended by paragraph 11 of Schedule 13 to the Health and Social Care Act 2012 for the definition of “the regulator”.
- (b) The trust special administrators were appointed by Monitor further to The Mid Staffordshire NHS Foundation Trust (Appointment of Trust Special Administrators) Order 2013 (S.I. 2013/838).
- (c) Mid Staffordshire NHS Foundation Trust established by the Mid-Staffordshire General Hospitals National Health Service Trust (Establishment) Order 1992 (S.I. 1992/2558) and authorised as an NHS Foundation Trust by Monitor on 1 February 2008 pursuant to section 35 of the National Health Service Act 2006.

Extension of time for consultation on draft report

3. The period of time for the trust special administrators to carry out their duty of consulting on the draft report, the “consultation period”, is extended from 30 working days as specified in section 65G(2) of the 2006 Act to 40 working days.

Signed by authority of Monitor

17th June 2013

David Bennett
Chief Executive
Monitor

EXPLANATORY NOTE

(This note is not part of the Order)

This Order extends the period of time within which the trust special administrators of Mid Staffordshire NHS Foundation Trust must provide a draft report to Monitor. The draft report must state the action which the trust special administrators recommend that Monitor should take in relation to Mid Staffordshire NHS Foundation Trust. The statutory period of 45 working days for the provision of the draft report is extended by 30 working days beginning with the 16th of April 2013 being the day on which the trust special administrators' appointment took effect.

This Order also extends the period during which the trust special administrators must consult on the draft report. The statutory consultation period of 30 working days is extended by 10 working days. The consultation period must commence within the period of 5 working days beginning with the date on which the draft report is published.

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