

NATIONAL HEALTH SERVICE, ENGLAND

The National Health Service Trust Development Authority (Amendment) Directions 2014

The Secretary of State in exercise of the powers conferred by sections 8(1), 272(8) and 273(1) of the National Health Service Act 2006(a), gives the following Directions.

Citation and commencement

1.—(1) These Directions may be cited as the National Health Service Trust Development Authority (Amendment) Directions 2014 and come into force on 11th December 2014.

(2) These Directions are given to the National Health Service Trust Development Authority(b).

Amendment of the National Health Service Trust Development Authority Directions 2013

2.—(1) The National Health Service Trust Development Authority Directions 2013(c) are amended as follows.

(2) In direction 1 (citation, commencement, interpretation and revocation), after the definition of “the Authority” insert—

““the Commission” means the Care Quality Commission;”(d).

(3) In direction 4 (other functions of the Authority), omit paragraph (h).

(4) After direction 4, insert—

“Functions of the Authority relating to trust special administration

4A.—(1) The Secretary of State directs the Authority to produce a report to the Secretary of State when, in the opinion of the Authority, it is in the interests of the health service that the Secretary of State makes an order under section 65B(1) of the Act (NHS trusts: appointment of trust special administrator) to authorise the appointment of a trust special administrator to an English NHS trust, such report to contain the reasons for its opinion.

(2) The Authority may form its opinion under paragraph (1)—

(a) on the basis of the exercise of its functions, or

(b) when—

(i) the Commission has informed the Authority that the Commission is satisfied that there is a serious failure by an English NHS trust to provide services that are of sufficient quality to be provided under the Act, and

(ii) the Authority and the Commission have discussed and agreed that recommending the appointment of a trust special administrator to the Secretary of State is in the interests of the health service because of that serious failure.

(a) 2006 c.41. By virtue of section 271(1) of the National Health Service Act 2006 the functions of the Secretary of State under those sections as exercised in making these Directions are exercisable only in relation to England. Section 8 was amended by section 55(1) and 179(6) of, and paragraph 5 of Schedule 4 to, and paragraphs 1 and 3 of Schedule 14 to, the Health and Social Care Act 2012.

(b) The National Health Service Trust Development Authority is established by the National Health Service Trust Development Authority (Establishment and Constitution) Order 2012, S.I. 2012/901, amended by S.I. 2013/235 and S.I. 2013/260.

(c) These Directions were signed on 21st March 2013 and a copy can be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/175350/NTDA_Directions_2013.pdf. A hard copy can be obtained from Room 239, Richmond House, Department of Health, 79 Whitehall, London SW1A 2NS.

(d) The Care Quality Commission is established under section 1 of the Health and Social Care Act 2008 (c.14).

(3) The Authority must inform the Commission if, when exercising the Authority's other functions, it becomes aware that there has been or may be a serious failure by an English NHS Trust to provide services that are of a sufficient quality to be provided under the Act."

(5) In direction 6 (exercise of functions), for "directions 2, 3, and 4" substitute "directions 2, 3, 4, and 4A."

Signed by authority of the Secretary of State for Health



Date 10 DECEMBER 2014

CLAIRE STONEHAM

Name

Member of the Senior Civil Service
Department of Health