



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 4

[^{F1}PRICING][^{F1}THE NHS PAYMENT SCHEME]

[^{F1}124 Local modifications of prices: agreements

- (1) The commissioner and the provider of a health care service may agree that the price payable to the provider for the provision of the service for the purposes of the NHS in such circumstances or areas as may be determined in accordance with the agreement is the price determined in accordance with the national tariff for that service as modified in accordance with the agreement.
- (2) An agreement under this section must specify the date on which the modification is to take effect; and a date specified for that purpose may be earlier than the date of the agreement (but not earlier than the date on which the national tariff took effect).
- (3) An agreement under this section has effect only if it is approved by Monitor.
- (4) An agreement submitted for approval under subsection (3) must be supported by such evidence as Monitor may require.
- (5) Monitor may approve an agreement under this section only if, having applied the method specified under section 116(1)(d), it is satisfied that, without a modification to the price determined in accordance with the national tariff for that service, it would be uneconomic for the provider to provide the service for the purposes of the NHS.
- (6) Where an agreement is approved under subsection (3), Monitor must send a notice to the Secretary of State and such clinical commissioning groups, providers and other persons as it considers appropriate.

Status: Point in time view as at 01/07/2022. This version of this provision has been superseded.

Changes to legislation: Health and Social Care Act 2012, Section 124 is up to date with all changes known to be in force on or before 26 July 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)

- (7) Monitor must also publish the notice.
- (8) The notice must specify—
- (a) the modification, and
 - (b) the date on which it takes effect.

^{F2}(9)]

Textual Amendments

- F1** Pt. 3 Ch. 4 substituted (1.7.2022 but only for the insertion of ss. 114C, 114D for specified purposes, 1.4.2023 in so far as not already in force) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 10 para. 3**; [S.I. 2022/734, reg. 2\(b\)](#) (with regs. 13, 29, 30); [S.I. 2023/371, reg. 2\(d\)](#)
- F2** S. 124(9) omitted (31.12.2020) by virtue of [The National Health Service \(Cross-Border Healthcare and Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/777\)](#), regs. 1(1), **5(a)** (with reg. 15, Sch. 1) (as amended by [S.I. 2020/1348, regs. 10-12](#)); 2020 c. 1, Sch. 5 para. 1(1)

Modifications etc. (not altering text)

- C1** Ss. 116-127 modified (temp.) (1.7.2022) by [The Health and Care Act 2022 \(Commencement No. 2 and Transitional and Saving Provision\) Regulations 2022 \(S.I. 2022/734\)](#), **reg. 19(3)(4)** (with regs. 13, 29, 30)

Commencement Information

- I1** S. 124 partly in force; s. 124 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 124 in force at 1.3.2014 in so far as not already in force by [S.I. 2014/39, art. 2\(2\)](#) (with art. 3(a))

Status:

Point in time view as at 01/07/2022. This version of this provision has been superseded.

Changes to legislation:

Health and Social Care Act 2012, Section 124 is up to date with all changes known to be in force on or before 26 July 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.