



# 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

##### *Charges on commissioners*

#### **138 Power to impose charges on commissioners**

- (1) The Secretary of State may by regulations confer power on Monitor to require commissioners to pay charges relating to such of Monitor's functions that relate to securing the continued provision of health care services for the purposes of the NHS.
- (2) The regulations must provide that the amount of a charge imposed by virtue of this section is to be such amount—
  - (a) as may be prescribed, or
  - (b) as is determined by reference to such criteria, and by using such method, as may be prescribed.
- (3) The regulations must—
  - (a) prescribe to whom the charge is to be paid;
  - (b) prescribe when the charge becomes payable;
  - (c) where the amount of the charge is to be determined in accordance with subsection (2)(b), require Monitor to carry out consultation in accordance with the regulations before imposing the charge;
  - (d) provide for any amount that is not paid by the time prescribed for the purposes of paragraph (b) to carry interest at the rate for the time being specified in section 18 of the Judgments Act 1838;

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*Status: Point in time view as at 01/08/2012. This version of this provision has been superseded.*

*Changes to legislation: Health and Social Care Act 2012, Section 138 is up to date with all changes known to be in force on or before 23 June 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)*

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- (e) provide for any unpaid balance and accrued interest to be recoverable summarily as a civil debt (but for this not to affect any other method of recovery).
- (4) Where the person that the regulations prescribe for the purposes of subsection (3)(a) is a provider, the regulations may confer power on Monitor to require the provider to pay Monitor the amount of the charge in question in accordance with the regulations.
- (5) Before making regulations under this section, the Secretary of State must consult—
  - (a) Monitor, and
  - (b) the National Health Service Commissioning Board.
- (6) Regulations under this section may apply with modifications provision made by sections 141 to 143 in relation to charges imposed by virtue of this section.

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**Commencement Information**

**II** S. 138 partly in force; s. 138 in force for specified purposes at Royal Assent, see s. 306(1)(d)

**Status:**

Point in time view as at 01/08/2012. This version of this provision has been superseded.

**Changes to legislation:**

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