



# 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

#### *Levy on providers*

PROSPECTIVE

#### **139 Imposition of levy**

- (1) The power under section 135(2) includes, in particular, power to impose a levy on providers for each financial year.
- (2) Before deciding whether to impose a levy under this section for the coming financial year, [<sup>F1</sup>NHS England] must estimate—
  - (a) the amount that will be required for the purpose of providing financial assistance in accordance with this Chapter,
  - (b) the amount that will be collected from [<sup>F2</sup>integrated care boards] by way of charges imposed by virtue of section 138 during that year, and
  - (c) the amount that will be standing to the credit of the fund at the end of the current financial year.
- (3) Before the start of a financial year in which [<sup>F3</sup>NHS England] proposes to impose a levy under this section, it must determine—
  - (a) the factors by reference to which the rate of the levy is to be assessed,
  - (b) the time or times by reference to which those factors are to be assessed, and

*Status: Point in time view as at 01/08/2012. This version of this provision is prospective.*

*Changes to legislation: Health and Social Care Act 2012, Section 139 is up to date with all changes known to be in force on or before 19 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)*

- (c) the time or times during the year when the levy, or an instalment of it, becomes payable.
- (4) Where the determinations under subsection (3) reflect changes made to the factors by reference to which the rate of the levy is to be assessed, the notice under section 143(1)(b) must include an explanation of those changes.
- (5) A levy under this section may be imposed at different rates for different providers.

#### **Textual Amendments**

- F1** Words in s. 139(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 83\(2\)\(a\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F2** Words in s. 139(2)(b) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 83\(2\)\(b\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 139(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 83\(3\)](#); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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