



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

#### REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

### CHAPTER 3

#### LICENSING

#### *Licence conditions*

#### **96 Limits on Monitor's functions to set or modify licence conditions**

- (1) This section applies to the following functions of Monitor—
- (a) the duty to determine the standard conditions to be included in each licence under this Chapter or in licences of a particular description (see section 94);
  - (b) the powers to include a special condition in a licence and to modify such a condition (see section 95);
  - (c) the power to modify the standard conditions applicable to all licences, or to licences of a particular description (see section 100).
- (2) Monitor may only exercise a function to which this section applies—
- (a) for the purpose of regulating the price payable for the provision of health care services for the purposes of the NHS;
  - (b) for the purpose of preventing anti-competitive behaviour in the provision of health care services for those purposes which is against the interests of people who use such services;
  - (c) for the purpose of protecting and promoting the right of patients to make choices with respect to treatment or other health care services provided for the purposes of the NHS;
  - (d) for the purpose of ensuring the continued provision of health care services for the purposes of the NHS;

*Status: Point in time view as at 01/07/2013. This version of this provision has been superseded.*

*Changes to legislation: Health and Social Care Act 2012, Section 96 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)*

- (e) for the purpose of enabling health care services provided for the purposes of the NHS to be provided in an integrated way where Monitor considers that this would achieve one or more of the objectives referred to in subsection (3);
  - (f) for the purpose of enabling the provision of health care services provided for the purposes of the NHS to be integrated with the provision of health-related services or social care services where Monitor considers that this would achieve one or more of the objectives referred to in subsection (3);
  - (g) for the purpose of enabling co-operation between providers of health care services for the purposes of the NHS where Monitor considers that this would achieve one or more of the objectives referred to in subsection (3);
  - (h) for purposes connected with the governance of persons providing health care services for the purposes of the NHS;
  - (i) for purposes connected with Monitor's functions in relation to the register of NHS foundation trusts required to be maintained under section 39 of the National Health Service Act 2006;
  - (j) for purposes connected with the operation of the licensing regime established by this Chapter;
  - (k) for such purposes as may be prescribed for the purpose of enabling Monitor to discharge its duties under section 62.
- (3) The objectives referred to in subsection (2)(e), (f) and (g) are—
- (a) improving the quality of health care services provided for the purposes of the NHS (including the outcomes that are achieved from their provision) or the efficiency of their provision,
  - (b) reducing inequalities between persons with respect to their ability to access those services, and
  - (c) reducing inequalities between persons with respect to the outcomes achieved for them by the provision of those services.
- (4) Monitor must not exercise a function to which this section applies in a way which it considers would result in a particular licence holder or holders of licences of a particular description being put at an unfair advantage or disadvantage in competing with others in the provision of health care services for the purposes of the NHS as a result of—
- (a) being in the public or (as the case may be) private sector, or
  - (b) some other aspect of its or their status.
- (5) In subsection (2)(f), “health-related services” and “social care services” each have the meaning given in section 62(11).

#### **Commencement Information**

- I1** S. 96 partly in force; s. 96 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 96 in force at 1.11.2012 for specified purposes by [S.I. 2012/2657](#), [art. 2\(2\)](#)
- I3** [S. 96\(1\)\(c\)](#) in force at 1.7.2013 in so far as not already in force by [S.I. 2013/671](#), [art. 2\(4\)](#)

**Status:**

Point in time view as at 01/07/2013. This version of this provision has been superseded.

**Changes to legislation:**

Health and Social Care Act 2012, Section 96 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.