
STATUTORY INSTRUMENTS

2013 No. 500

The National Health Service (Procurement, Patient
Choice and Competition) (No. 2) Regulations 2013

PART 3

Investigations, declarations, directions and undertakings

Declaration of ineffectiveness

14.—(1) Monitor may declare that an arrangement for the provision of health care services for the purposes of the NHS is ineffective⁽¹⁾.

(2) Monitor may only make a declaration under paragraph (1) where it is satisfied that—

- (a) in relation to that arrangement, a relevant body has failed to comply with a requirement imposed by regulation 2, 3(1) to (4), 4(2) and (3), 5 to 8 or 10(1), and
- (b) the failure is sufficiently serious.

(3) Monitor may declare that a term or condition of an arrangement for the provision of health care services for the purposes of the NHS is ineffective where it is satisfied that—

- (a) in relation to that term or condition, a relevant body has failed to comply with regulation 10(2), and
- (b) the failure is sufficiently serious.

(4) On a declaration being made under paragraph (3), the term or condition is void; but that does not affect—

- (a) the validity of anything done pursuant to the term or condition,
- (b) any right acquired or liability incurred under the term or condition, or
- (c) any proceedings or remedy in respect of such a right or liability.

⁽¹⁾ Section 76(5) of the 2012 Act provides that where such a declaration is made the arrangement is void; but that does not affect: (a) the validity of anything done pursuant to the agreement, (b) any right acquired or liability incurred under the arrangement, or (c) any proceedings or remedy in respect of such a right or liability.