



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 3

LICENSING

Enforcement

108 Guidance as to use of enforcement powers

- (1) Monitor must publish guidance about how it intends to exercise its functions under sections 105 and 106 and Schedule 11.
- (2) Monitor may revise the guidance and, if it does so, must publish the guidance as revised.
- (3) Monitor must consult such persons as it considers appropriate before publishing or revising the guidance.
- (4) Guidance relating to Monitor's functions under section 105 must include information about—
 - (a) the circumstances in which Monitor is likely to impose a discretionary requirement,
 - (b) the circumstances in which Monitor may not impose a discretionary requirement,
 - (c) the matters likely to be taken into account by Monitor in determining the amount of any variable monetary penalty to be imposed (including, where relevant, any discounts for voluntary reporting of breaches in respect of which a penalty may be imposed), and
 - (d) rights to make representations and rights of appeal.

Status: This is the original version (as it was originally enacted).

- (5) Monitor must have regard to the guidance or (as the case may be) revised guidance in exercising its functions under sections 105 and 106 and Schedule 11.