



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 3

LICENSING

Enforcement

PROSPECTIVE

109 Publication of enforcement action

- (1) Monitor must include information about the following in its annual report—
 - (a) the cases in which a discretionary requirement has been imposed during the financial year to which the report relates, and
 - (b) the cases in which an enforcement undertaking has been accepted during that financial year.
- (2) But Monitor must not include information which it is satisfied is—
 - (a) commercial information the disclosure of which would, or might, significantly harm the legitimate business interests of the person to whom it relates;
 - (b) information relating to the private affairs of an individual the disclosure of which would, or might, significantly harm that person's interests.
- (3) The reference in subsection (1)(a) to cases in which a discretionary requirement has been imposed does not include a reference to a case where a discretionary requirement has been imposed but overturned on appeal.

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2012. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 109 coming into force by [S.I. 2013/671 art. 2\(3\)](#)
- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1A inserted by [2015 c. 28 s. 2](#)
- s. 58(6)(c) inserted by [2013 c. 32 Sch. 12 para. 103](#)
- s. 73(3A) inserted by [S.I. 2014/892 Sch. 1 para. 189\(5\)](#)
- s. 80(3) inserted by [S.I. 2014/892 Sch. 1 para. 192\(3\)](#)
- s. 101(4A) inserted by [2013 c. 24 Sch. 6 para. 128\(4\)](#)
- s. 105(3A) (3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A) (3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 111(2A) inserted by [2014 c. 23 s. 83\(2\)](#)
- s. 120(5A) inserted by [2013 c. 24 Sch. 6 para. 131\(4\)](#)
- s. 142(4A) inserted by [2013 c. 24 Sch. 6 para. 135\(3\)](#)
- s. 251B inserted by [2015 c. 28 s. 3](#)
- s. 251C inserted by [2015 c. 28 s. 4](#)
- s. 251C modified (temp.) by [S.I. 2015/1438 reg. 4](#)
- s. 253(1)(ca) inserted by [2014 c. 23 s. 122\(2\)](#)
- s. 261(1A) inserted by [2014 c. 23 s. 122\(3\)](#)
- s. 262A inserted by [2014 c. 23 s. 122\(4\)](#)
- s. 290(3)(ca) inserted by [2014 c. 23 Sch. 5 para. 15\(3\)](#)
- Sch. 8 para. 11(2A) inserted by [2013 c. 24 Sch. 15 para. 49](#)
- Sch. 10 para. 10(2A) inserted by [S.I. 2014/892 Sch. 1 para. 195\(4\)](#)
- Sch. 10 para. 10(3)(aa) inserted by [S.I. 2014/892 Sch. 1 para. 195\(5\)](#)
- Sch. 14 para. 16(1) Sch. 14 para. 16 renumbered as Sch. 14 para. 16(1) by [2014 c. 23 s. 120\(18\)\(e\)](#)
- Sch. 14 para. 24(2A) inserted by [2014 c. 23 s. 84\(8\)](#)
- Sch. 14 para. 4A 4B inserted by [2014 c. 23 s. 120\(18\)\(a\)](#)
- Sch. 14 para. 15(8) inserted by [2014 c. 23 s. 120\(18\)\(d\)](#)
- Sch. 14 para. 16(2)-(4) inserted by [2014 c. 23 s. 120\(18\)\(e\)](#)
- Sch. 14 para. 17(4A) inserted by [2014 c. 23 s. 120\(18\)\(g\)](#)
- Sch. 14 para. 24(2A) inserted by [2014 c. 23 s. 120\(18\)\(h\)](#)
- Sch. 14 para. 24A inserted by [2014 c. 23 s. 120\(18\)\(i\)](#)
- Sch. 14 para. 35(e) and word inserted by [2014 c. 23 s. 120\(18\)\(j\)](#)