



# 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*

#### **141 Consultation**

- (1) This section applies where Monitor is proposing to impose a levy under section 139 for the coming financial year and—
  - (a) has not imposed a levy under that section for the current financial year or any previous year,
  - (b) has been imposing the levy for the current financial year but proposes to make relevant changes to it for the coming financial year, or
  - (c) has been imposing the levy for the current financial year and the financial year preceding it, but has not been required to serve a notice under this section in respect of the levy for either of those years.
- (2) A change to a levy is relevant for the purposes of subsection (1)(b) if it is a change to the factors by reference to which the rate of the levy is to be assessed.
- (3) Before making the determinations under section 139(3) in respect of the levy, Monitor must send a notice to—
  - (a) the Secretary of State,
  - (b) the National Health Service Commissioning Board,
  - (c) each clinical commissioning group,
  - (d) each potentially liable provider, and

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*Status: This is the original version (as it was originally enacted).*

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- (e) such other persons as it considers appropriate.
- (4) Monitor must publish a notice that it sends under subsection (3).
- (5) In a case within subsection (1)(a) or (c), the notice must state—
  - (a) the factors by reference to which Monitor proposes to assess the rate of the levy,
  - (b) the time or times by reference to which it proposes to assess those factors, and
  - (c) the time or times during the coming financial year when it proposes that the levy, or an instalment of it, will become payable.
- (6) In a case within subsection (1)(b), the notice must specify the relevant changes Monitor proposes to make.
- (7) A notice under this section must specify when the consultation period in relation to the proposals ends; and for that purpose, the consultation period is the period of 28 days beginning with the day on which the notice is published under subsection (4).
- (8) In this section and section 142 a “potentially liable provider” means a provider on whom Monitor is proposing to impose the levy for the coming financial year (regardless of the amount (if any) that the provider would be liable to pay as a result of the proposal).