



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 2

COMPETITION

74 **Competition functions: supplementary**

- (1) No objection may be taken to anything done by or in relation to Monitor under the Competition Act 1998 or Part 4 of the Enterprise Act 2002 on the ground that it should have been done by or in relation to the Office of Fair Trading.
- (2) Subject to subsection (3), sections 62 and 66 (general duties of Monitor) do not apply in relation to anything done by Monitor in the carrying out of its functions by virtue of section 72 or 73.
- (3) In the carrying out of any functions by virtue of section 72 or 73, Monitor may nevertheless have regard to any of the matters in respect of which a duty is imposed by section 62 or 66 if it is a matter to which the Office of Fair Trading is entitled to have regard in the carrying out of those functions.
- (4) In section 9E of the Company Directors Disqualification Act 1986 (specified regulators in cases of disqualification for competition infringements), in subsection (2) after paragraph (e) insert “;
(f) Monitor.”
- (5) In section 54 of the Competition Act 1998, in subsection (1) (definition of “regulator” for the purposes of Part 1 of that Act)—
 - (a) omit the “and” preceding paragraph (g), and
 - (b) after that paragraph insert “; and
(h) Monitor.”

Status: This is the original version (as it was originally enacted).

- (6) In section 136 of the Enterprise Act 2002 (investigations and reports on market investigation references)—
- (a) in subsection (7) (meaning of “relevant sectoral enactment”), at the end insert—
 - “(i) in relation to Monitor, section 73 of the Health and Social Care Act 2012.”,
 - (b) in subsection (8) (meaning of “relevant sectoral regulator”), for “Communications or” substitute “Communications,”, and
 - (c) in that subsection, after “Utility Regulation” insert “or Monitor”.
- (7) In section 168 of that Act (regulated markets)—
- (a) in subsection (3) (meaning of “relevant action”), after paragraph (o) insert—
 - “(p) modifying the conditions of a licence issued under section 87 of the Health and Social Care Act 2012.”,
 - (b) in subsection (4) (meaning of “relevant statutory functions”), after paragraph (q) insert—
 - “(r) in relation to any licence issued under section 87 of the Health and Social Care Act 2012, the duties of Monitor under sections 62 and 66 of that Act.”, and
 - (c) in subsection (5) (meaning of “sectoral regulator”), after paragraph (i) insert—
 - “(ia) Monitor;”.