



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 2

COMPETITION

75 Requirements as to procurement, patient choice and competition

- (1) Regulations may impose requirements on the National Health Service Commissioning Board and clinical commissioning groups for the purpose of securing that, in commissioning health care services for the purposes of the NHS, they—
 - (a) adhere to good practice in relation to procurement;
 - (b) protect and promote the right of patients to make choices with respect to treatment or other health care services provided for the purposes of the NHS;
 - (c) do not engage in anti-competitive behaviour which is against the interests of people who use such services.
- (2) Requirements imposed by regulations under this section apply to an arrangement for the provision of goods and services only if the value of the consideration attributable to the services is greater than that attributable to the goods.
- (3) Regulations under this section may, in particular, impose requirements relating to—
 - (a) competitive tendering for the provision of services;
 - (b) the management of conflicts between the interests involved in commissioning services and the interests involved in providing them.
- (4) The regulations may provide for the requirements imposed, or such of them as are prescribed, not to apply in relation to arrangements of a prescribed description.