



Health and Social Care Act 2012

2012 CHAPTER 7

PART 11

MISCELLANEOUS

Duties to co-operate

289 Care Quality Commission: duty to co-operate with Monitor

- (1) Section 70 of the Health and Social Care Act 2008 (co-operation between the Commission and the Independent Regulator of NHS foundation trusts) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) The Commission must co-operate with Monitor in the exercise of their respective functions.”
- (3) For subsection (2) substitute—
- “(2) In particular the Commission must—
- (a) give Monitor any information the Commission has about the provision of health care which the Commission or Monitor considers would assist Monitor in the exercise of its functions,
 - (b) make arrangements with Monitor to ensure that—
 - (i) a person applying to be both registered under Chapter 2 and for a licence under the Health and Social Care Act 2012 may do so by way of a single application form, and
 - (ii) such a person is granted a registration under Chapter 2 and a licence under that Act by way of a single document, and
 - (c) seek to secure that the conditions on a registration under Chapter 2 in a case within paragraph (b) are consistent with the conditions included in the person's licence under that Act.”

Changes to legislation: Health and Social Care Act 2012, Section 289 is up to date with all changes known to be in force on or before 03 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(4) In subsection (3)—

- (a) for “Independent Regulator” substitute “Monitor”, and
- (b) for “an NHS foundation trust” substitute “a person who holds a licence under the Health and Social Care Act 2012”.

(5) After that subsection insert—

“(4) In this section, a reference to a licence under the Health and Social Care Act 2012 is a reference to a licence under Chapter 3 of Part 3 of that Act.”

(6) In the heading of that section, for “Independent Regulator of NHS Foundation Trusts” substitute “Monitor”.

Commencement Information

- I1** S. 289(1) in force at 1.7.2012 for specified purposes by [S.I. 2012/1319](#), [art. 2\(3\)](#)
- I2** S. 289(1) in force at 1.4.2013 for specified purposes by [S.I. 2013/671](#), [art. 2\(3\)](#)
- I3** S. 289 in force at 1.4.2014 in so far as not already in force by [S.I. 2014/39](#), [art. 2\(3\)](#)
- I4** S. 289(2) in force at 1.7.2012 by [S.I. 2012/1319](#), [art. 2\(3\)](#)
- I5** S. 289(3) in force at 1.7.2012 for specified purposes by [S.I. 2012/1319](#), [art. 2\(3\)](#)
- I6** S. 289(4)(a)(6) in force at 1.7.2012 by [S.I. 2012/1319](#), [art. 2\(3\)](#)
- I7** S. 289(4)(b)(5) in force at 1.4.2013 by [S.I. 2013/671](#), [art. 2\(3\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- 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. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- 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. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)