

# HEALTH AND SOCIAL CARE ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 - Regulation of Health and Adult Social Care Services**

#### **Chapter 4 – Pricing**

#### **Section 123 - Power to veto changes proposed under section 122**

902. Within 28 days of receiving notification under section 122 of Monitor’s proposed changes, the Commission can direct Monitor not to implement some or all of those changes. When issuing such a direction, the Commission must give notice of the terms of the direction and the reasons for it, and make the necessary changes to the pricing methodology itself. This power of veto is to give the Commission the opportunity, where it considered this necessary, to prevent Monitor from making changes that do not deal adequately with the Commission’s determination on a reference.
903. The Commission could apply to the Secretary of State for an extension of the 28-day period by 14 days.
904. Before making the changes to the pricing methodology, the Commission would have to notify Monitor and the NHS Commissioning Board of those changes including the Commission’s reasons for the changes it proposes to make (*subsection (7)*). It must provide a period of at least 28 days for representations (*subsection (8)*).
905. If the Competition Commission does not issue a direction to Monitor under this section, section 122(3) requires Monitor to make the changes it has proposed.