

Changes to legislation: Health and Social Care Act 2012, Cross Heading: Oral hearings is up to date with all changes known to be in force on or before 22 May 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

SCHEDULES

SCHEDULE 12 **E+W**

PROCEDURE ON REFERENCES UNDER SECTION 120

Modifications etc. (not altering text)

- C1** Sch. 12 modified (temp.) (1.7.2022) by [The Health and Care Act 2022 \(Commencement No. 2 and Transitional and Saving Provision\) Regulations 2022 \(S.I. 2022/734\)](#), **reg. 19(3)(4)** (with regs. 13, 29, 30)

Oral hearings

- 7 (1) For the purposes of this Schedule, an oral hearing may be held, and evidence may be taken on oath by ^{F1}the CMA].
- (2) ^{F2}The CMA] may administer oaths for the purposes of this Schedule.
- (3) The ^{F3}CMA] must give notice to each objector who has made representations in accordance with paragraph 2 of the time and place at which an oral hearing is to be held.
- (4) The ^{F4}CMA] may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
 - (b) to give evidence ^{F5}to it] at that time and place^{F6}....
- (5) At an oral hearing, the ^{F7}CMA] may require a person who comes within sub-paragraph (6), if present at the hearing, to give evidence or to make representations.
- (6) A person comes within this sub-paragraph if the person is—
- (a) an objector who has made representations in accordance with paragraph 2,
 - (b) a person attending the hearing as a representative of a person mentioned in paragraph (a), or
 - (c) a person attending the hearing as a representative of Monitor.
- (7) A person who gives oral evidence at the hearing may be cross-examined by or on behalf of any other person who is present at the hearing and comes within sub-paragraph (6).
- (8) If a person is not present at a hearing and so cannot be made subject to a requirement under sub-paragraph (5)—
- (a) the ^{F8}CMA] is not obliged to require the person to attend the hearing, and
 - (b) the ^{F9}CMA] may make a determination on the reference without hearing that person's evidence or representations.

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- (9) Where a person is required under this paragraph to attend at a place more than 10 miles from that person's place of residence, the [F10CMA] must pay the person the necessary expenses of attending.

Textual Amendments

- F1** Words in Sch. 12 para. 7(1) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F2** Words in Sch. 12 para. 7(2) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F3** Word in Sch. 12 para. 7(3) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(c)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F4** Word in Sch. 12 para. 7(4) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(d)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F5** Words in Sch. 12 para. 7(4)(b) inserted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(d)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F6** Words in Sch. 12 para. 7(4)(b) omitted (1.4.2014) by virtue of Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(d)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F7** Word in Sch. 12 para. 7(5) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(e)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F8** Word in Sch. 12 para. 7(8)(a) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(f)(i)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F9** Word in Sch. 12 para. 7(8)(b) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(f)(ii)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F10** Word in Sch. 12 para. 7(9) substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 139(8)(g)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

Commencement Information

- I1** Sch. 12 para. 7 in force at 1.9.2013 for specified purposes by S.I. 2013/671, **art. 2(5)**
- I2** Sch. 12 para. 7 in force at 1.4.2014 in so far as not already in force by S.I. 2014/39, **art. 2(3)**

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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\(5\)](#)