



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 4

PRICING

120 Responses to consultation

- (1) If Monitor receives objections from one or more clinical commissioning groups or relevant providers to a method it proposes under section 118(3)(b), Monitor may not publish the national tariff unless—
 - (a) the conditions in subsection (2) are met, or
 - (b) where those conditions are not met, Monitor has made a reference to the Competition Commission.
- (2) The conditions referred to in subsection (1)(a) are that—
 - (a) the objection percentage for clinical commissioning groups is less than the prescribed percentage,
 - (b) the objection percentage for relevant providers is less than the prescribed percentage, and
 - (c) the share of supply percentage is less than such percentage as may be prescribed.
- (3) In subsection (2)—
 - (a) the “objection percentage” is the proportion (expressed as a percentage) of clinical commissioning groups or (as the case may be) relevant providers who objected to the proposed method, and
 - (b) the “share of supply percentage” is the proportion (expressed as a percentage) of relevant providers who objected to the proposed method, weighted

Status: This is the original version (as it was originally enacted).

according to their share of the supply in England of such services as may be prescribed.

- (4) A reference under subsection (1)(b) must require the Competition Commission to determine whether the method proposed under section 118(3)(b) is appropriate.
- (5) The functions of the Competition Commission with respect to a reference under this section are not to be regarded as general functions of its for the purposes of Part 2 of Schedule 7 to the Competition Act 1998; instead, Schedule 12 to this Act (procedure on a reference under this section) has effect.
- (6) Regulations prescribing a percentage for the purposes of subsection (2)(c) may include provision prescribing the method used for determining a relevant provider's share of the supply in England of the services concerned.
- (7) In this section and section 121 and Schedule 12, "relevant provider" has the meaning given in section 118(14).