

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Regulation of Health and Adult Social Care Services

Chapter 1 – Monitor

Section 63 – Secretary of State’s guidance on duty under section 62(9)

675. This section provides the Secretary of State a power to publish guidance for the purposes of assisting Monitor to comply with its duty under section 62(9) to exercise its functions in a manner consistent with the Secretary of State’s duty to promote a comprehensive health service in England.
676. *Subsection (1)* provides that the guidance would address-
- a) the objectives specified in the mandate published under section 13A of the NHS Act which the Secretary of State considers to be relevant to Monitor’s exercise of its functions, and
 - b) the Secretary of State’s reasons for considering those objectives to be relevant to Monitor’s exercise of its functions.
677. *Subsection (2)* requires that in exercising its functions, Monitor must have regard to any such guidance.
678. *Subsection (3)* provides that where the Secretary of State publishes guidance under subsection (1), the Secretary of State must lay a copy of the published guidance before Parliament.