



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

#### REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

### CHAPTER 3

#### LICENSING

#### *Licensing procedure*

#### 92 Appeals to the Tribunal

- (1) An appeal lies to the First-tier Tribunal against a decision of [<sup>F1</sup>NHS England] to—
  - (a) refuse an application for a licence under section 87, or
  - (b) revoke a licence under section 89(b).
- (2) The grounds for an appeal under this section are that the decision was—
  - (a) based on an error of fact,
  - (b) wrong in law, or
  - (c) unreasonable.
- (3) On an appeal under this section, the First-tier Tribunal may—
  - (a) confirm [<sup>F2</sup>NHS England's] decision,
  - (b) direct that the decision is not to have effect, or
  - (c) remit the decision to [<sup>F3</sup>NHS England].

#### Textual Amendments

- F1** Words in s. 92(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 56\(2\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

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**Status:** Point in time view as at 01/07/2022.

**Changes to legislation:** Health and Social Care Act 2012, Section 92 is up to date with all changes known to be in force on or before 30 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)

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- F2** Words in s. 92(3)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 56(3)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 92(3)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 56(3)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

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**Commencement Information**

- I1** S. 92(1)(a) in force at 1.4.2014 by S.I. 2014/39, **art. 2(3)**
- I2** S. 92(1)(b)(2)(3) in force at 1.4.2013 by S.I. 2013/671, **art. 2(3)**

**Status:**

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