

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Regulation of Health and Adult Social Care Services

Chapter 3 – Licensing

Licence conditions

Section 97 - Conditions: supplementary

785. *Subsection (1)* provides, by way of example, a non-exhaustive list of conditions that Monitor might include in licences. These include a requirement for licence holders to pay Monitor such fees as Monitor may determine in respect of the exercise of its licensing functions; a requirement that providers charge for services in accordance with the national tariff (see Chapter 4); and the conditions for securing the continued provision of NHS services. *Subsection (7)* gives Monitor the power to apply time restrictions to conditions, either by indicating when a condition should take effect or when it should end.
786. *Subsection (3)* specifies that Monitor must not use the powers it has under subsection (1) (c) to direct a licence holder to give access to its facilities to another provider.
787. *Subsection (4)(a)* provides that Monitor can require NHS foundation trusts and bodies which were former NHS trusts to notify the Office of Fair Trading if they intend to enter into a merger situation, being arrangements or transactions which would result in the trust's, or another business's, activities ceasing to be distinct. This provision is to ensure that the Office of Fair Trading has notice of mergers involving NHS foundation trusts, or former NHS trusts. *Subsection (4)(b)* specifies that this requirement no longer applies after five years from the date on which the condition was included in the licence.