
STATUTORY INSTRUMENTS

2019 No. 248

The Amendments Relating to the Provision
of Integrated Care Regulations 2019

PART 7

AMENDMENT OF THE NATIONAL HEALTH SERVICE
(LICENCE EXEMPTIONS, ETC.) REGULATIONS 2013

Scope of Part

24. For regulation 8 (exemption from the requirement to hold a licence: applicable turnover) of the National Health Service (Licence Exemptions, etc.) Regulations 2013(1) substitute—

“Exemption from the requirement to hold a licence: applicable turnover

8.—(1) A provider is exempt from the requirement to hold a licence if the applicable turnover of that provider in relation to any twelve month period mentioned in paragraph (2) is reasonably expected to be less than £10 million and—

- (a) the provider no longer holds a contract which was taken into account for the purposes of assessing their applicable turnover and which resulted in the provider being required to hold a licence; or
- (b) the provider does hold such a contract, but more than twelve months have elapsed since the provider was last required to hold a licence by virtue of that contract contributing to the provider’s assessment that their applicable turnover is £10 million or more.

(2) For the purposes of paragraph (1), a provider must estimate their applicable turnover—

- (a) for the twelve month period beginning on the day on which the provider starts providing health care services for the purposes of the NHS; and
- (b) subsequently, for every twelve month period beginning at the end of each month following the month in which the provider started providing health care services for the purposes of the NHS.

(3) A provider must notify Monitor as soon as reasonably practicable after the provider becomes aware that any of the criteria specified in paragraph (1), which if they applied would exempt the provider from the requirement to hold a licence, have ceased to apply in relation to that provider.

(4) The exemption granted to a provider under paragraph (1) is withdrawn from whichever is the earlier of—

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- (a) the end of the period of 60 days beginning on the date on which the provider becomes aware that it has ceased to meet any of the criteria specified in that paragraph; or
 - (b) the date on which Monitor issues a licence to the provider under section 87(3) of the 2012 Act (grant or refusal of a licence).
- (5) In this regulation, “provider” means a provider of health care services for the purposes of the NHS⁽²⁾.”.

(2) See section 64(3), (4) and (5) of the 2012 Act for the meaning of “health care”, “the NHS” and the provision of health care services for the purposes of the NHS.