



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 2

COMPETITION

F172 Functions under the Competition Act 1998

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Textual Amendments

F1 S. 72 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 84(1), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

F273 Functions under Part 4 of the Enterprise Act 2002

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Textual Amendments

F2 S. 73 omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), ss. 84(1), 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

74 Competition functions: supplementary

F3(1)

Changes to legislation: Health and Social Care Act 2012, CHAPTER 2 is up to date with all changes known to be in force on or before 25 April 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) View outstanding changes

- F3(2)
- F3(3)
- F3(4)
- F3(5)
- F3(6)

(7) In section 168 of that Act (regulated markets)—

- (a) in subsection (3) (meaning of “relevant action”), after paragraph (o) insert—
 - “(p) modifying the conditions of a licence issued under section 87 of the Health and Social Care Act 2012.”,
- (b) in subsection (4) (meaning of “relevant statutory functions”), after paragraph (q) insert—
 - “(r) in relation to any licence issued under section 87 of the Health and Social Care Act 2012, the duties of Monitor under sections 62 and 66 of that Act.”, and
- (c) in subsection (5) (meaning of “sectoral regulator”), after paragraph (i) insert—
 - “(ia) Monitor.”

Textual Amendments

F3 S. 74(1)-(6) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 12 para. 5**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

I1 S. 74(7) in force at 1.4.2013 by S.I. 2013/671, **art. 2(3)**

F475 Requirements as to procurement, patient choice and competition

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Textual Amendments

F4 Ss. 75-78 omitted (1.1.2024) by virtue of Health and Care Act 2022 (c. 31), **ss. 80(2)**, 186(6); S.I. 2023/1431, reg. 3(c) (with reg. 5)

F476 Requirements under section 75: investigations, declarations and directions

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Textual Amendments

F4 Ss. 75-78 omitted (1.1.2024) by virtue of Health and Care Act 2022 (c. 31), **ss. 80(2)**, 186(6); S.I. 2023/1431, reg. 3(c) (with reg. 5)

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^{F4}77 Requirements under section 75: undertakings

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Textual Amendments

- F4** Ss. 75-78 omitted (1.1.2024) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 80(2)**, 186(6); S.I. 2023/1431, [reg. 3\(c\)](#) (with [reg. 5](#))

^{F4}78 Guidance

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Textual Amendments

- F4** Ss. 75-78 omitted (1.1.2024) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 80(2)**, 186(6); S.I. 2023/1431, [reg. 3\(c\)](#) (with [reg. 5](#))

^{F5}79 Mergers involving NHS foundation trusts

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Textual Amendments

- F5** S. 79 omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 83(2)**, 186(6); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

^{F7}80 Co-operation with the [^{F6}CMA]

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Textual Amendments

- F6** Word in s. 80 heading substituted (1.4.2014) by [The Enterprise and Regulatory Reform Act 2013 \(Competition\) \(Consequential, Transitional and Saving Provisions\) Order 2014 \(S.I. 2014/892\)](#), art. 1(1), **Sch. 1 para. 192(4)** (with art. 3)
- F7** S. 80 omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), **ss. 82(2)**, 186(6); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Changes to legislation:

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View outstanding changes

Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)