



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

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

### CHAPTER 4

#### PRICING

#### **123 Power to veto changes proposed under section 122**

- (1) The Competition Commission may, within the period of 28 days beginning with the day after that on which it is given a notice under section 122, direct Monitor—
  - (a) not to make the changes specified in the notice, or
  - (b) not to make such of those changes as may be specified in the direction.
- (2) Monitor must comply with a direction under this section.
- (3) The Secretary of State may, within that period and on the application of the Commission, direct that the period for giving a direction under this section (and, accordingly, the period referred to in section 122(3)) is to be extended by 14 days.
- (4) The Competition Commission may give a direction under this section only in respect of such of the changes specified in the notice under section 122 as it considers are not necessary in consequence of its determination on the reference.
- (5) If the Commission gives a direction under this section, it—
  - (a) must give notice specifying the changes proposed by Monitor, the terms of the direction and the reasons for giving it, and
  - (b) must itself make such changes to the method to which the reference relates as it considers necessary in consequence of its determination on the reference.

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*Status: This is the original version (as it was originally enacted).*

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- (6) In exercising its function under subsection (5)(b), the Commission must have regard to the matters to which Monitor must have regard when determining the method to which the reference relates.
- (7) Before making changes under subsection (5)(b), the Commission must give notice to Monitor and the National Health Service Commissioning Board specifying—
  - (a) the changes it proposes to make,
  - (b) its reasons for proposing to make them, and
  - (c) the period within which representations on the proposed changes may be made.
- (8) The period specified for the purposes of subsection (7)(c) must not be less than 28 days beginning with the day on which the notice is given.