



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 1

MONITOR

69 Duty to carry out impact assessments

- (1) This section applies where Monitor is proposing to do something that it considers would be likely—
 - (a) to have a significant impact on persons who provide health care services for the purposes of the NHS;
 - (b) to have a significant impact on people who use health care services provided for the purposes of the NHS;
 - (c) to have a significant impact on the general public in England (or in a particular part of England);
 - (d) to involve a major change in the activities Monitor carries on;
 - (e) to involve a major change in the standard conditions of licences under Chapter 3 (see section 94).
- (2) But this section does not apply to—
 - (a) the carrying out by Monitor of an analysis of how markets involving the provision of health care services are operating, or
 - (b) the exercise of functions under or by virtue of Chapter 2.
- (3) Nor does this section apply if it appears to Monitor that the urgency of the matter makes compliance with this section impracticable or inappropriate.
- (4) Before implementing the proposal, Monitor must either—
 - (a) carry out and publish an assessment of the likely impact of implementation, or

Status: This is the original version (as it was originally enacted).

- (b) publish a statement setting out its reasons for concluding that it does not need to carry out an assessment under paragraph (a).
- (5) The assessment must set out Monitor’s explanation of how the discharge of its general duties (within the meaning of section 67)—
 - (a) would be secured by implementation of the proposal, but
 - (b) would not be secured by the exercise of functions that Monitor has by virtue of section 72 or 73.
- (6) The assessment may take such form, and relate to such matters, as Monitor may determine; and in determining the matters to which the assessment is to relate, Monitor must have regard to such general guidance on carrying out impact assessments as it considers appropriate.
- (7) The assessment must specify the consultation period within which representations with respect to the proposal may be made to Monitor; and for that purpose the consultation period must not be less than 28 days beginning with the day after that on which the assessment is published under subsection (4).
- (8) Monitor may not implement the proposal unless the consultation period has ended.
- (9) Where Monitor is required (apart from this section) to consult about, or afford a person an opportunity to make representations about, a proposal that comes within subsection (1), the requirements of this section—
 - (a) are in addition to the other requirement, but
 - (b) may be met contemporaneously with it.
- (10) Every annual report of Monitor must set out—
 - (a) a list of the assessments carried out under this section during the financial year to which the report relates, and
 - (b) a summary of the decisions taken during that year in relation to proposals to which assessments carried out during that year or a previous financial year relate.