

*These notes refer to the Health and Social Care Act 2012  
(c.7) which received Royal Assent on 27 March 2012*

# HEALTH AND SOCIAL CARE ACT 2012

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 3 - Regulation of Health and Adult Social Care Services**

#### *Chapter 3 – Licensing*

#### **Licensing procedure**

#### *761. Section 87 - Grant or refusal of licence*

762. This section stipulates the process once an application for a licence has been made to Monitor. Where Monitor is satisfied that the provider has met the published criteria, it must approve the provider's application and, in accordance with *subsection (3)*, issue the licence to the applicant. If Monitor is not satisfied that the applicant meets the criteria, it must refuse the application.
763. *Subsection (4)* provides that licences are subject to both standard licence conditions and any special licence conditions. Further details about these types of conditions are in later sections. *Subsection (4)* also provides that licences granted to foundation trusts are subject to any licence conditions imposed under section 111 (imposition of licence conditions on NHS foundation trusts during the transitional period).