

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3 - Regulation of Health and Adult Social Care Services

Chapter 7 – Miscellaneous and general

Section 147 – Secretary of State’s duty as respects variation in provision of health services

990. This section inserts new section 12E into the NHS Act. This is intended to ensure that the Secretary of State does not, in exercising the functions specified in subsection (2), deliberately favour any particular sector, such as the public, private or voluntary sector. Specifically, the new section prohibits the Secretary of State from seeking to increase or decrease the proportion of NHS healthcare services that are delivered by a particular description of providers. The Act provides for similar duties on Monitor under section 62(10) and the NHS Commissioning Board under section 23.

Section 148 - Service of documents

991. Details are provided in this section of how notices required under this Part should be sent, including details of when a notice is to be treated as having been delivered.

Section 149 - Electronic communications

992. This section provides that Monitor may send notices in electronic form, if the person to be notified has given permission to receive notices electronically and has provided an email address. Monitor may impose requirements about how notices are to be sent to it or the Competition Commission electronically; and it must publish whatever requirements it imposes.

Section 150 - Interpretation and consequential amendments

993. This section provides definitions for the purposes of this Part, and gives effect to Schedule 13.

Schedule 13 – Part 3: minor and consequential amendments

994. **Schedule 13** contains minor and consequential amendments, most of which reflect the change of Monitor’s statutory name.