



# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

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

### CHAPTER 3

#### LICENSING

#### *Transitional provision*

#### **113 Orders under section 112: criteria for deciding applicable trusts**

- (1) Where the Secretary of State proposes to make an order under section 112, the Secretary of State must notify Monitor.
- (2) Monitor, having received a notification under subsection (1), must set the criteria that are to be applied for the purpose of determining to which NHS foundation trusts the order should apply.
- (3) Before setting criteria under subsection (2), Monitor must—
  - (a) consult the Care Quality Commission and such other persons as Monitor considers appropriate, and
  - (b) obtain the approval of the Secretary of State.
- (4) If the Secretary of State approves the proposed criteria, Monitor must—
  - (a) publish the criteria,
  - (b) determine, by applying the criteria, to which trusts the order should apply,
  - (c) notify the Secretary of State of its determination, and
  - (d) publish a list of the trusts concerned.

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*Status: This is the original version (as it was originally enacted).*

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- (5) If the Secretary of State does not approve the proposed criteria, Monitor must propose revised criteria; and subsections (3)(b) and (4) apply in relation to the proposed revised criteria as they apply in relation to the criteria previously proposed.
- (6) The Secretary of State, having received a notification under subsection (4)(c), must review Monitor's determination under subsection (4)(b).