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# Health and Social Care Act 2012

## 2012 CHAPTER 7

### PART 3

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

### CHAPTER 6

#### FINANCIAL ASSISTANCE IN SPECIAL ADMINISTRATION CASES

#### *Levy on providers*

PROSPECTIVE

#### 141 Consultation

- (1) This section applies where [<sup>F1</sup>NHS England] is proposing to impose a levy under section 139 for the coming financial year and—
  - (a) has not imposed a levy under that section for the current financial year or any previous year,
  - (b) has been imposing the levy for the current financial year but proposes to make relevant changes to it for the coming financial year, or
  - (c) has been imposing the levy for the current financial year and the financial year preceding it, but has not been required to serve a notice under this section in respect of the levy for either of those years.
- (2) A change to a levy is relevant for the purposes of subsection (1)(b) if it is a change to the factors by reference to which the rate of the levy is to be assessed.
- (3) Before making the determinations under section 139(3) in respect of the levy, [<sup>F2</sup>NHS England] must send a notice to—
  - (a) the Secretary of State,

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- <sup>F3</sup>(b) .....
- <sup>F4</sup>(c) each integrated care board,
- (d) each potentially liable provider, and
- (e) such other persons as it considers appropriate.
- (4) [<sup>F5</sup>NHS England] must publish a notice that it sends under subsection (3).
- (5) In a case within subsection (1)(a) or (c), the notice must state—
- (a) the factors by reference to which [<sup>F6</sup>NHS England] proposes to assess the rate of the levy,
- (b) the time or times by reference to which it proposes to assess those factors, and
- (c) the time or times during the coming financial year when it proposes that the levy, or an instalment of it, will become payable.
- (6) In a case within subsection (1)(b), the notice must specify the relevant changes [<sup>F7</sup>NHS England] proposes to make.
- (7) A notice under this section must specify when the consultation period in relation to the proposals ends; and for that purpose, the consultation period is the period of 28 days beginning with the day on which the notice is published under subsection (4).
- (8) In this section <sup>F8</sup>... a “potentially liable provider” means a provider on whom [<sup>F9</sup>NHS England] is proposing to impose the levy for the coming financial year (regardless of the amount (if any) that the provider would be liable to pay as a result of the proposal).

#### Textual Amendments

- F1** Words in s. 141(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(2\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F2** Words in s. 141(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(3\)\(a\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F3** S. 141(3)(b) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(3\)\(b\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F4** S. 141(3)(c) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 182](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F5** Words in s. 141(4) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(4\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F6** Words in s. 141(5)(a) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(4\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F7** Words in s. 141(6) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(4\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F8** Words in s. 141(8) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), [ss. 85\(6\)](#), 186(6); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F9** Words in s. 141(8) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 5 para. 85\(4\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2012/1831 art. 10 by [S.I. 2012/2657 art. 15](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 9 Ch. 1B inserted by [2022 c. 31 s. 96](#)
- s. 102(4)(ba) inserted by S.I. 2019/93, Sch. 1 para. 13(3) (as substituted) by [S.I. 2019/1245 reg. 28](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 105(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 21](#)
- s. 106(3A)(3B) inserted by [2013 c. 24 Sch. 14 para. 22](#)
- s. 250(2)-(2B) substituted for s. 250(2) by [2022 c. 31 s. 95\(2\)\(a\)](#)
- s. 250(6)-(6D) substituted for s. 250(6) by [2022 c. 31 s. 95\(2\)\(d\)](#)
- s. 251251ZA substituted for s. 251 by [2022 c. 31 s. 95\(3\)](#)
- s. 251C(6A) inserted by [2022 c. 31 s. 95\(4\)\(a\)](#)
- s. 259(1)(aa)(b) substituted for s. 259(1)(b) by [2022 c. 31 s. 98\(b\)](#)
- s. 259(1)(aa) words substituted by [S.I. 2023/98 Sch. para. 17\(11\)\(a\)\(iii\)](#) (This amendment comes in force at the same time as 2022 c. 31, s. 98 comes into force)
- s. 259(10A)(10B) inserted by [2022 c. 31 s. 98\(h\)](#)
- s. 304(5)(ja) inserted by [2022 c. 31 s. 95\(5\)](#)