



Health and Social Care Act 2012

2012 CHAPTER 7

PART 3

REGULATION OF HEALTH AND ADULT SOCIAL CARE SERVICES

CHAPTER 3

LICENSING

Licence conditions

100 Modification of standard conditions

(1) [^{F1}NHS England] may, subject to the requirements of this section, modify the standard conditions applicable to all licences under this Chapter or to licences of a particular description.

[^{F2}(1A) Before making modifications under subsection (1) that NHS England consider to be a major change, NHS England must—

- (a) carry out an assessment of the likely impact of the modifications, or
- (b) publish a statement setting out its reasons for concluding that such assessment is not needed.]

(2) Before making any [^{F3}modifications under subsection (1)] [^{F4}NHS England] must give notice to—

- (a) each relevant licence holder,
- (b) the Secretary of State,
- ^{F5}(c)
- (d) every [^{F6}integrated care board], and
- (e) the Care Quality Commission and its Healthwatch England committee.

(3) [^{F7}NHS England] must also publish the notice under subsection (2).

Changes to legislation: Health and Social Care Act 2012, Section 100 is up to date with all changes known to be in force on or before 28 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) The notice under subsection (2) must—
 - (a) state that [^{F8}NHS England] proposes to make the modifications,
 - (b) set out the proposed effect of the modifications,
 - [^{F9}(ba) set out any impact assessment carried out by NHS England under subsection (1A)(a),]
 - (c) set out [^{F10}NHS England’s] reasons for the proposal, and
 - (d) specify the period (“the notice period”) within which representations with respect to the proposal may be made to [^{F11}NHS England].

- (5) The notice period must be not less than 28 days beginning with the day after that on which the notice is published under subsection (3).

- ^{F12}(6)
- ^{F12}(7)
- ^{F12}(8)
- ^{F12}(9)

- (10) Where [^{F13}NHS England] modifies the standard conditions applicable to all licences or (as the case may be) to licences of a particular description under this section, [^{F13}NHS England]—
 - (a) may also make such incidental or consequential modifications as it considers necessary or expedient of any other conditions of a licence which is affected by the modifications,
 - (b) must make (as nearly as may be) the same modifications of those conditions for the purposes of their inclusion in all licences or (as the case may be) licences of that description granted after that time, and
 - (c) must publish the modifications.

- (11) In this section^{F14} ..., “relevant licence holder”—
 - (a) in relation to proposed modifications of the standard conditions applicable to all licences, means any licence holder, and
 - (b) in relation to proposed modifications of the standard conditions applicable to licences of a particular description, means a holder of a licence of that description.

- (12) In this section, a reference to modifying a condition includes a reference to amending, omitting or adding a condition.

Textual Amendments

- F1** Words in s. 100(1) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 64(2)**; S.I. 2022/734, [reg. 2\(a\)](#), Sch. (with regs. 13, 29, 30)
- F2** S. 100(1A) inserted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 35(2)**, 186(6); S.I. 2022/734, [reg. 2\(a\)](#), Sch. (with regs. 13, 29, 30)
- F3** Words in s. 100(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), **ss. 35(3)**, 186(6); S.I. 2022/734, [reg. 2\(a\)](#), Sch. (with regs. 13, 29, 30)
- F4** Words in s. 100(2) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 64(3)(a)**; S.I. 2022/734, [reg. 2\(a\)](#), Sch. (with regs. 13, 29, 30)
- F5** S. 100(2)(c) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 5 para. 64(3)(b)**; S.I. 2022/734, [reg. 2\(a\)](#), Sch. (with regs. 13, 29, 30)

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- F6** Words in s. 100(2)(d) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 178**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F7** Words in s. 100(3) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 64(4)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F8** Words in s. 100(4)(a) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 64(5)(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F9** S. 100(4)(ba) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), **ss. 35(4)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F10** Words in s. 100(4)(c) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 64(5)(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F11** Words in s. 100(4)(d) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 64(5)(c)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F12** S. 100(6)-(9) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 85(3)(a)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Words in s. 100(10) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 5 para. 64(6)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F14** Words in s. 100(11) omitted (1.7.2022) by virtue of Health and Care Act 2022 (c. 31), **ss. 85(3)(b)**, 186(6); S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)

Commencement Information

- I1** S. 100 partly in force; s. 100 in force for specified purposes at Royal Assent, see s. 306(1)(d)
- I2** S. 100 in force at 1.7.2013 in so far as not already in force by S.I. 2013/671, **art. 2(4)**

Changes to legislation:

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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\(5\)](#)