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STATUTORY INSTRUMENTS

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**2006 No. 1680 (C.57)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES  
SOCIAL CARE, ENGLAND**

**The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 9) Order 2006**

*Made - - - - 26th June 2006*

The Secretary of State for Health, in exercise of the powers conferred on her by sections 195(1) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>, makes the following Order:

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.9) Order 2006.

(2) In this Order—

“the 2000 Act” means the Care Standards Act 2000<sup>(2)</sup>; and

“the Act” means the Health and Social Care (Community Health and Standards) Act 2003.

(3) This Order applies in relation to England only, apart from article 2(2) which applies in relation to England and Wales.

**Appointed day for provisions relating to fees**

2.—(1) 27th June 2006 is the appointed day for the coming into force of section 105(6) of the Act for the purpose of making regulations, and section 105(1) of the Act in so far as it relates to that provision.

(2) 1st August 2006 is the appointed day for the coming into force of—

(a) section 105(3) to (5) and (7) of the Act; and

(b) sections 105(1) and (6) of the Act for all remaining purposes.

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(1) 2003 c. 43. See section 199(2) for the definition of the appropriate appointing authority in relation to commencement orders.

(2) 2000 c. 14.

### **Appointed day for provisions relating to complaints**

3. 1st September 2006 is the appointed day for the coming into force of the following provisions of the Act in so far as they are not already in force<sup>(3)</sup>—

- (a) section 113(1), (3) and (4) (complaints about health care);
- (b) section 114(1), (2), (5) and (6) (complaints about social services);
- (c) section 115 (complaints regulations: supplementary); and
- (d) in Schedule 14, the repeal in Part 2 relating to section 7B of the Local Authority Social Services Act 1970<sup>(4)</sup> (complaints procedure) and section 196 insofar as it relates to that repeal.

### **Transitional provisions pending section 105(2) of the Act coming into force in relation to the CSCI**

4.—(1) Pending the coming into force of section 105(2) of the Act in relation to the determination of fees by the CSCI<sup>(5)</sup>, the following transitional provisions shall apply.

(2) Sections 12(2), 15(3), 16(3) and 22(7)(i) of the 2000 Act shall be read as if—

- (i) “or the CSCI” were omitted; and
- (ii) after “the Assembly” there were inserted “or the CSCI”.

(3) Section 15(5) of the 2000 Act shall be read as if after “the Assembly” there were inserted “or the CSCI”.

Signed by authority of the Secretary of State

*Ivan Lewis*  
Parliamentary Under Secretary of State  
Department of Health

26th June 2006

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(3) Section 199(4) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) commenced sections 113 to 115 of the Act on Royal Assent for the purpose of making regulations.

(4) 1970 c. 42; section 7B was inserted by the National Health Service and Community Care Act 1990 (c. 19), section 50 and amended by the Health and Social Care Act 2001 (c. 15), Schedule 5, paragraph 15(2).

(5) “The CSCI” means the Commission for Social Care Inspection. See section 5B of the 2000 Act as inserted by section 103 of the Act.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This is the ninth Commencement Order under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”).

Article 2 commences section 105(3) to (7) of the Act which contains amendments to the Care Standards Act 2000 (“the 2000 Act”) consequential on the Commission for Healthcare Audit and Inspection (“the CHAI”) having responsibility for setting their own fees under section 113A of the 2000 Act. It commences section 105(6) of the Act on 27th June 2006 for the purpose of making regulations prescribing the date of payment of annual fees. It commences that section for all purposes, together with sections 105(3) to (5) and (7), of the Act on 1st August 2006 which is the date when the CHAI is to introduce its fees scheme under section 105(2). Article 4 contains transitional provisions in relation to the 2000 Act which will apply until such time as section 105(2) of the Act is commenced in relation to the CSCI.

Article 3 commences on 1st September 2006 sections 113(1), (3) and (4), 114(1), (2) (5) and (6) and 115 (complaints about health care, social services and supplementary provision) of the Act. It commences the repeal of section 7B of the Local Authority Social Services Act 1970 under which the Secretary of State had required, by Order, local authorities to establish complaints procedures.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The provisions of the Health and Social Care (Community Health and Standards) Act 2003 listed in the table below have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1	1.4.2004	2004/759
Sections 2 to 4	1.1.2004	2003/3346
Sections 5 to 20	1.4.2004	2004/759
Sections 22 to 35	1.4.2004	2004/759
Section 36	1.1.2004	2003/3346
Sections 37 to 39	1.4.2004	2004/759
Section 40	1.1.2004	2003/3346
Section 41	8.1.2004	2003/3346
Section 42	1.1.2004	2003/3346
Section 43	11.3.2004	2004/759
Sections 44 to 46	1.4.2004	2004/759
Sections 48 and 49	1.4.2004	2004/759

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 50(1)	1.4.2004 (partially) and 1.4.2006 (partially) 1.4.2007 (partially) 1.4.2008 (remainder)	<a href="#">2004/759</a> (6)
Section 50(2) and (3)	1.4.2005	<a href="#">2004/759</a>
Section 50(4)	1.4.2006	<a href="#">2004/759</a>
Section 50(5)	1.4.2004	<a href="#">2004/759</a>
Section 51(1) to (3), (5) and (6)	1.4.2004	<a href="#">2004/759</a>
Section 51(4)	1.4.2005	<a href="#">2004/759</a>
Section 52(1) to (4), (6) and (7)	1.4.2004	<a href="#">2004/759</a>
Section 52(5)	1.4.2005	<a href="#">2004/759</a>
Section 53	1.4.2004 (remainder)	<a href="#">2004/759</a>
Sections 54 to 56	1.4.2004	<a href="#">2004/759</a>
Section 57	1.4.2004 (remainder)	<a href="#">2004/759</a>
Sections 60 and 61	1.4.2004	<a href="#">2004/759</a>
Sections 64 to 68	1.4.2004	<a href="#">2004/759</a>
Sections 76 to 84	1.4.2004	<a href="#">2004/759</a>
Section 85 as to England	1.4.2005	<a href="#">2005/457</a>
Section 86 as to England	30.10.2005	<a href="#">2005/2925</a> (7)
Sections 87 to 91	1.4.2004	<a href="#">2004/759</a>
Sections 102 to 104	1.4.2004	<a href="#">2004/759</a>
Section 105(1)	30.10.2005 (partially)	<a href="#">2005/ 2925</a>
Section 105(2)	30.10.2005 (partially)	<a href="#">2005/2925</a>
Section 106	1.4.2004	<a href="#">2004/759</a>
Section 108	1.4.2004	<a href="#">2004/759</a>
Sections 110 and 111	1.4.2004	<a href="#">2004/759</a>
Section 112	11.3.2004	<a href="#">2004/759</a>
Section 117 as to England	17.1.2005 (partially) 30.12.05 (remainder)	<a href="#">2005/38</a> <a href="#">2005/2925</a>
Sections 118 and 119	1.6.2004	<a href="#">2004/759</a>

(6) [S.I.2004/759](#) is amended by S.I. [2006/836](#).

(7) [S.I.2005/2925](#) is amended by S.I. [2006/836](#).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 120 and 121	1.4.2004	2004/759
Sections 123 to 141	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England	1.1.2004 (partially)	2003/3346
Section 147	8.1.2004 (partially)	2003/3346
Section 147	11.3.2004 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to England	1.3.2004 (partially) and 1.4.2004 (remainder)	2004/288(8)
Section 170 as to England	1.1.2006 (partially) and 1.4.2006 (remainder)	2005/2925
Section 171(1) as to England	1.1.2006 (partially) and 1.4.2006 (remainder)	2005/2925
Section 171(2) as to England	1.4.2006	2005/2925
Section 172(1) as to England	1.12.2005 (partially) and 1.1.2006 (remainder)	2005/2925
Section 172(2) as to England	1.4.2006	2005/2925
Section 173 as to England	1.12.2005	2005/2925
Section 175(1) as to England	3.2.2004 (partially)	2004/288
Section 175(1)	1.3.2004	2004/288
Section 175 as to England	1.4.2004 (remainder)	2004/288
Section 176 as to England	3.2.2004	2004/288
Section 177(1) and (2) as to England	3.2.2004 (partially) and 1.3.2004 (partially)	2004/288
	1.12.2005 (remainder)	2005/2925
Section 177(3) to (11) as to England	1.3.2004 (partially)	2004/288
	1.12.2005 (remainder)	2005/2925
Section 177(12) as to England	1.4.2004 (partially)	2004/288
	1.4.2006 (remainder)	2005/2925
Section 178 as to England	1.4.2004 (partially)	2004/288
	1.4.2006 (remainder)	2005/2925

(8) [S.I.2004/288](#) is amended by [S.I.2004/866](#).

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 179(1) as to England	3.2.2004 (partially)	2004/288
	1.12.2005 (remainder)	2005/2925
Section 179(2) as to England	3.2.2004	2004/288
Section 180 as to England	1.3.2004 (partially)	2004/288
	1.1.2006 (remainder)	2005/2925
Section 181 as to England and Wales	1.4.2006	2005/2925
Section 182(1) as to England	1.12.2005	2005/2925
Section 183 as to England	1.11.2005 (partially) and 1.4.2006 (remainder)	2005/2925
Section 184 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288 2005/38
	17.1.2005 (partially)	2005/2925
	1.12.2005 (partially)	2005/2925
	1.4.2006 (partially)	
Section 185	12.8.05 (partially) and 7.10.05 (partially)	2005/2278
Sections 187 and 188	19.10.2004	2004/2626
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 196	1.4.2004 (partially)	2004/759
Section 196	17.1.2005 (partially)	2005/38
Section 196	1.4.2005 (partially)	2005/457
Section 196	7.10.2005 (partially)	2005/2278
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2004/759
Schedule 6	8.1.2004	2003/3346
Schedule 7	1.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Paragraph 1	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	1.4.2004	2004/759
Paragraphs 3 and 5 to 8	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	1.6.2004	2004/759
Paragraph 10	1.4.2004	2004/759
Paragraph 11	1.6.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraph 14	1.4.2004	2004/759
Paragraph 16	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 17 to 22	1.4.2004	2004/759
Paragraph 23(a)	1.4.2004	2004/759
Paragraph 23(b)	11.3.2004 (partially)	2004/759
Paragraphs 24 to 26	1.4.2004	2004/759
Paragraph 27	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 28 to 30	1.4.2004	2004/759
Paragraph 31	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 32	1.4.2004	2004/759
Schedule 11		
Paragraph 1	1.4.2004	2004/288
Paragraph 2	1.4.2004 (partially) 1.4.2006 (remainder)	2004/288 2005/2925
Paragraph 3(1), (2)(a) and (3) to (5)	1.4.2004 (partially)	2004/288
Paragraph 3	1.4.2006 (remainder)	2005/2925
Paragraphs 4 to 6	1.4.2004	2004/288
Paragraph 7	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially) 1.12.2005 (partially) and 1.4.2006 (partially)	2004/288 2005/2925

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Paragraph 8	1.3.2004	2004/288
Paragraph 9	1.4.2004	2004/288
Paragraphs 12 and 13	1.4.2004	2004/288
Paragraphs 14 and 15	1.3.2004 (partially)	2004/288
	1.12.2005 (remainder)	2005/2925
Paragraphs 16 and 17	1.3.2004 (partially)	2004/288
Paragraph 20	1.4.2004 (partially)	2004/288
Paragraph 21(1) and (3)	1.4.2004 (partially)	2004/288
Paragraph 22	1.4.2004 (partially)	2004/288
Paragraph 23	3.2.2004 (partially) and 1.4.2004 (partially)	2004/288
	1.12.2005 (partially)	2005/2925
Paragraphs 17 to 23	1.4.2006 (remainder)	2005/2925
Paragraph 24(a)	1.4.2004	2004/288
Paragraph 24(b)	1.4.2006	2005/2925
Paragraph 25	1.4.2004	2004/288
Paragraph 26	11.3.2004 (partially)	2004/759
Paragraph 26	1.4.2004 (remainder)	2004/288
Paragraph 27	1.4.2004	2004/288
Paragraphs 28 to 35	1.4.2006	2005/2925
Paragraph 36(a)	1.4.2004	2004/288
Paragraph 36(b)	1.4.2006	2005/2925
Paragraph 37	1.4.2004	2004/288
Paragraph 38	3.2.2004	2004/288
Paragraph 41	1.4.2006	2005/2925
Paragraphs 42 to 44	1.4.2004	2004/288
Paragraph 46	1.4.2006 (remainder)	2005/2925
Paragraphs 47 to 49	1.4.2004	2004/288
Paragraph 50	1.4.2006	2005/2925
Paragraphs 51 and 52	1.4.2004	2004/288
Paragraph 53	1.4.2004 (partially)	2004/288
Paragraphs 53 and 54	1.4.2006	2005/2925
Paragraphs 55 to 59	1.4.2004	2004/288
Paragraph 60	1.4.2004 (partially)	2004/288

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
	1.4.2006 (remainder)	2005/2925
Paragraph 61	1.4.2006	2005/2925
Paragraphs 62 and 63	1.4.2004	2004/288
Paragraph 64	1.4.2006	2005/2925
Paragraphs 65 and 67(a)	1.4.2004	2004/288
Paragraph 66	1.4.2006	2005/2925
Paragraph 67(b)	1.4.2006	2005/2925
Paragraph 68	17.1.2005	2005/38
Paragraph 69	1.4.2004 (partially)	2005/2925
	1.4.2006 (remainder)	
Paragraphs 70, 71, 73 and 74	1.4.2004	2004/288
Paragraph 72	1.4.2006	2005/2925
Schedule 12	19.10.2004	2004/2626
Schedule 14 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
	17.1.2005 (partially)	2005/38
		2005/2925
	1.12.2005 (partially) and 1.4.2006 (partially)	
Schedule 14	1.4.2004 (partially)	2004/759
	1.4.2005 (partially)	2005/457
	1.12.2005 (partially)	2005/2925
	1.4.2006 (partially)	2005/2925