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STATUTORY INSTRUMENTS

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**2006 No. 836 (C. 22)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health and Social Care (Community Health  
and Standards) Act 2003 Commencement  
(No.3 and No.8) (Amendment) Order 2006**

*Made* - - - - *20th March 2006*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 199(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>. In accordance with section 199(2)(b)(iv) of that Act, she has consulted the National Assembly for Wales in relation to article 2.

**Citation, application and interpretation**

**1.**—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.3 and No.8) (Amendment) Order 2006.

(2) This Order applies in relation to England and Wales, except for article 3 which, insofar as it relates to the revocation of article 3 of the No.8 Order, applies in relation to England only.

(3) In this Order “the No.8 Order” means the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.8) Order 2005<sup>(2)</sup>.

**Amendment of the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.3) Order 2004**

**2.** For paragraph (3) of article 3 of the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.3) Order 2004<sup>(3)</sup> (appointed days for provisions relating to the Commission for Healthcare Audit and Inspection), substitute—

“(3) 1st April 2006 is the appointed day for the coming into force of—

- (a) section 50(1) of the 2003 Act for the purpose of the conduct of a review and the award of a performance rating in relation to an excepted NHS trust; and

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(1) [2003 c. 43](#); see section 199(2) for the definition of the appropriate authority in relation to commencement orders.  
(2) [S.I. 2005/2925](#).  
(3) [S.I. 2004/759](#).

(b) section 50(4) of the 2003 Act.

(4) 1st April 2007 is the appointed day for the coming into force of section 50(1) of the 2003 Act for the purpose of the conduct of a review and the award of a performance rating in relation to a Special Health Authority performing functions only or mainly in respect of England.

(5) Subject to paragraph (6), 1st April 2008 is the appointed day for the coming into force of section 50(1) of the 2003 Act for the purpose of the conduct of a review and the award of a performance rating in relation to a cross-border SHA(4).

(6) Paragraph (5) shall not apply to the conduct of a review of and the award of a performance rating to—

(a) the Mental Health Act Commission(5); or

(b) NHS Blood and Transplant(6), insofar as it is performing functions in respect of Wales.”.

### **Amendment of the No.8 Order 2005**

3. Articles 2(2) (appointed day for provisions relating to fees) and 3 (transitional provisions pending section 105(2) of the Act coming into force in relation to the CSCI) of the No. 8 Order are revoked.

Signed by authority of the Secretary of State for Health

20th March 2006

*Jane Kennedy*  
Minister of State,  
Department of Health

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(4) Under section 148 of the Health and Social Care (Community Health and Standards) Act 2003, a cross-border SHA is defined as a Special Health Authority not performing functions only or mainly in respect of England or only or mainly in respect of Wales.

(5) See section 121 of the Mental Health Act 1983 (c. 20).

(6) As established by S.I. 2005/2529.

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## EXPLANATORY NOTE

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

Article 2 of this Order amends the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 3) Order 2004 to delay the date of the coming into force of section 50(1) of the Health and Social Care (Community Health and Standards) Act 2003 in relation to Special Health Authorities performing functions only or mainly in respect of England and cross-border SHAs.

Section 50(1) provides for the Commission for Healthcare Audit and Inspection to review and award a performance rating in respect of a range of bodies. This Order delays the date of the coming into force of that section in relation to Special Health Authorities performing functions only or mainly in respect of England to 1st April 2007. It also delays the date in relation to cross-border SHAs to 1st April 2008. Section 50(1) is not brought into force in relation to the Mental Health Act Commission or to NHS Blood and Transplant insofar as it is performing functions in respect of Wales.

Article 3 of this Order revokes—

- (a) provision in the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 8) Order 2005 which would have brought into force amendments to the Care Standards Act 2000 (“the 2000 Act”); and
- (b) related transitional provision in that Order.

The amendments to the 2000 Act would have required the fees payable to the Commission for Healthcare Audit and Inspection to be such as they determine under section 113A of that Act<sup>(7)</sup>.

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(7) Section 113A was inserted by section 105(2) of the Health and Social Care (Community Health and Standards) Act 2003 which was commenced by [S.I. 2005/2925](#), article 2(1) with effect from 30th October 2005.