

*This Statutory Instrument has been reprinted to correct an omission in the table of the commencement orders in the explanatory note and is being issued free of charge to all known recipients.*

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WELSH STATUTORY INSTRUMENTS

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**2003 No. 939 (W.123) (C.50)**

**NATIONAL ASSISTANCE SERVICES, WALES**

**The Health and Social Care Act 2001  
(Commencement No. 5) (Wales) Order 2003**

*Made - - - - 26th March 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 64(6) and 70(2) of the Health and Social Care Act 2001(1), hereby makes the following Order:

**Citation, interpretation and application**

1.—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No.5) (Wales) Order 2002.

(2) In this Order, the Health and Social Care Act 2001 is referred to as “the Act”.

(3) This Order applies to Wales only.

**Appointed Day**

2. The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 1st April 2003.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

26th March 2003

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly  
for Wales

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(1) 2001 c. 15.  
(2) 1998 c. 38.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## SCHEDULE 1

Article 2

### PROVISIONS OF THE ACT COMING INTO FORCE ON 1 APRIL 2003

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 53	Disregarding of resources when determining need for residential accommodation
Section 54 in so far as it has not already been brought into force by section 70(2)	Funding by resident etc. of more expensive accommodation
Section 55	Power for local authorities to take charges on land instead of contributions

### EXPLANATORY NOTE

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

This Order is the fifth Commencement Order made under the Health and Social Care Act 2001 (“the Act”) in relation to Wales.

This Order appoints 1st April 2003 as the day on which the following sections of the Act are to come into force in Wales. The provisions allow for changes to the way that local authorities charge for residential accommodation under Part 3 of the National Assistance Act 1948.

Section 53 gives the National Assembly for Wales the power to make regulations to determine what part of a person’s resources are disregarded in determining whether or not they have a need for accommodation.

Section 54 allows the National Assembly for Wales to make regulations permitting additional payments to be made, by or on behalf of a resident, for accommodation whose cost is more than a local authority would usually expect to pay.

Section 55 allows a local authority to enter into an agreement (“a deferred payment agreement”) with a person who needs accommodation to allow that person not to make payments for the accommodation but to accrue a debt which is secured by way of a charge on the person’s home.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 3	1st July 2002 (partially)	<a href="#">2002/1475</a>
Section 5	1st July 2002	<a href="#">2002/1475</a>
Section 11	1st December 2002	<a href="#">2002/1475</a>
Section 13	17th March 2003	<a href="#">2003/713</a>
Section 16	26th August 2002	<a href="#">2002/1919</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 19 — 26	1st July 2002	2002/1475
Section 27	26th August 2002	2002/1919
Section 28 — 39	1st July 2002	2002/1475
Section 41 — 43	1st July 2002	2002/1475
Section 49	3rd December 2001 (partially)	2001/3807
Section 50(1)	8th April 2002	2001/3752
Section 50(2) to (10)	19th December 2001	2001/3807
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 67(1) and Schedule 5	1st April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095, 2002/1475 and 2002/1919
Section 67(2) and Schedule 6	1st April 2002, 15th April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095, 2002/1312, 2002/1475 and 2002/1919
Schedule 2	1st July 2002	2002/1475
Schedule 3	1st July 2002	2002/1475

Various provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. 2001/2804 (C.95); S.I. 2001/3167 (C.101); S.I. 2001/3294 (C.107); S.I. 2001/3619 (C.117); S.I. 2001/3752 (C.122); S.I. 2001/3738 (C.121); S.I. 2001/4149 (C.133); S.I. 2002/1095 (C.26); S.I. 2002/1312 (C.36) and S.I. 2002/2363 (C.77).