
WELSH STATUTORY INSTRUMENTS

2008 No. 3171 (W.284) (C.144)

NATIONAL HEALTH SERVICE, WALES

**The Health Act 2006 (Commencement
No. 2) (Wales) Order 2008**

Made - - - - 12 December 2008

The Welsh Ministers make this Order in exercise of the powers conferred by section 83(5)(a) of the Health Act 2006⁽¹⁾.

Title, interpretation and application

- 1.—(1) The title of this Order is the Health Act 2006 (Commencement No. 2) (Wales) Order 2008.
(2) In this Order “the Act” (“*y Ddeddf*”) means the Health Act 2006.
(3) This order applies in relation to Wales.

Appointed day for provisions relating to the supervision and management of controlled drugs

2. 13 December 2008 is the appointed day for the coming into force of the following provisions of the Act—

- (a) Chapter 1 of Part 3 of the Act as it applies in relation to Wales, in so far as it is not already in force⁽²⁾; and
(b) sections 76, 77 and 78 so far as they relate to offences under Chapter 1 of Part 3 (including offences created in regulations under that Chapter).

12 December 2008

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers

(1) [2006 c. 28](#). The functions of the National Assembly for Wales under the Health Act [2006 \(c. 28\)](#) (“the Act”) were transferred to the Welsh Ministers in accordance with paragraph 30 of Schedule 11 to the Government of Wales Act [2006 \(c. 32\)](#).
(2) In so far as any provision of the Act confers power to make an order or regulations or defines any expression relevant to the exercise of any such power it came into force on the passing of the Act by virtue of section 83(1)(e) of the Act.

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second Commencement Order made under the Health Act 2006 (“the 2006 Act”). It brings into force Chapter 1 of Part 3 of the 2006 Act in relation to Wales. This contains measures relating to the safe management and use of controlled drugs in certain health and social care settings. In particular, it provides for the appointment of accountable officers who must ensure that specified organisations have appropriate arrangements for the safe and effective handling of controlled drugs, and it contains duties of collaboration between responsible bodies and rights of entry and inspection to relevant premises.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following Commencement Order has been made under the Health Act 2006 by the National Assembly for Wales in relation to Wales:

The Health Act 2006 (Commencement No.1 and Transitional Provisions) (Wales) Order 2007 (S.I. [2007/204 \(W.18\) \(C.9\)](#)).

The following Commencement Orders have been made under the Health Act 2006 by the Secretary of State for Health in relation to England and Wales:

The Health Act 2006 (Commencement No.1 and Transitional Provisions) Order 2006 (S.I. [2006/2603 \(C.88\)](#)),

The Health Act 2006 (Commencement No.2) Order 2006 (S.I. [2006/3125 \(C.108\)](#)) (parts also relate to Scotland),

The Health Act 2006 (Commencement No.3) Order 2007 (S.I. [2007/1375 \(C.57\)](#)).

The Health Act 2006 (Commencement No.5) Order 2008 (S.I. [2008/1972 \(C.96\)](#)).

The following Commencement Order has been made under the Health Act 2006 by the Secretary of State for Health in relation to England and Scotland:

The Health Act 2006 (Commencement No.4) Order (S.I. [2008/1147 \(C.50\)](#)).

<i>Provision</i>	<i>Date of</i>	<i>S.I. Number Commencement</i>
Sections 1 to 3	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Section 4	1 July 2007 (in relation to England)	2007/1375 (C.57)
Section 5	2 April 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Section 5 (other than section 5(4))	1 July 2007 (in relation to England)	2007/1375 (C.57)

<i>Provision</i>	<i>Date of</i>	<i>S.I. Number Commencement</i>
Section 5(4)	1 July 2007 (in relation to England, Scotland and Northern Ireland)	2007/1375 (C.57)
Sections 6 to 12	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Section 13	1 July 2007 (in relation to England and Wales)	2007/1375 (C.57)
Sections 14 to 16	1 October 2006	2006/2603 (C.88)
Sections 17 to 25	1 January 2007 (partially in relation to England) and 1 March 2007 (in relation to Scotland)	2006/3125 (C.108) 2006/3125 (C.108)
Section 33	1 October 2006	2006/2603 (C.88)
Sections 34 and 35	28 February 2007 (partially)	2006/3125 (C.108)
Sections 37 to 42	1 August 2008	2008/1972 (C.96)
Section 43	1 May 2008	2008/1147 (C.50)
Sections 44 to 55	1 February 2007 (in relation to Wales) and 22 April 2008 (in relation to England)	2007/204 (W.18) (C.9) 2008/1147 (C.50)
Section 56	1 February 2007 (in relation to Wales) and 1 October 2006 (in relation to England, partially)	2007/204 (W.18) (C.9) 2006/2603 (C.88)
Section 57	1 October 2006	2006/2603 (C.88)
Sections 58 to 62	28 September 2006 (partially)	2006/2603 (C.88)
Sections 58 to 62	1 October 2006 (remainder)	2006/2603 (C.88)
Sections 63 to 69	1 October 2006	2006/2603 (C.88)
Section 70	28 September 2006 (partially)	2006/2603 (C.88)
Section 70	1 October 2006 (remainder)	2006/2603 (C.88)
Section 71	28 September 2006 (partially)	2006/2603 (C.88)
Section 71	1 October 2006 (remainder)	2006/2603 (C.88)
Section 72	28 April 2008	2008/1147 (C.50)
Section 73	29 January 2007 (except so far as it relates to Scotland) and 29 January 2007 (in relation to Scotland)	2006/3125 (C.108) SSI 2007/9 (C.1)
Sections 76 and 77	1 February 2007 (Wales, so far as relate to offences under Chapter 3 of Part 4) and 2 April 2007 (Wales, so far	2007/204 (W.18) (C.9) 2007/204 (W.18) (C.9)

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<i>Provision</i>	<i>Date of</i>	<i>S.I. Number Commencement</i>
	as relate to offences under Chapter 1 of Part 1)	
Sections 76 and 77	1 July 2007 (England, so far as relate to offences under Part 1) and 22 April 2008 (so far as relate to offences under Chapter 3 of Part 4) and 22 April 2008 (England and Scotland, so far as relate to offences under Chapter 1 of Part 3)	2007/1375 (C.57) 2008/1147 (C.50) 2008/1147 (C.50)
Section 78	1 February 2007 (Wales, so far as it relates to offences under Chapter 3 of Part 4) and 2 April 2007 (Wales, so far as it relates to offences under Chapter 1 of Part 1)	2007/204 (W.18) (C.9) 2007/204 (W.18) (C.9)
Section 78	22 April 2008 (England, so far as relates to offences under Chapter 3 of Part 4)) and 22 April 2008 (England, so far as relates to offences under Chapter 1 of Part 3)	2008/1147 (C.50) 2008/1147 (C.50)
Section 80(1)	1 October 2006 (partially) 29 January 2007 (partially in relation to Scotland) 1 February 2007 (partially in relation to Wales)	2006/2603 (C.88) SSI 2007/9 (C.1) 2007/204 (W.18) (C.9)
Section 80(2)	1 October 2006 (partially) and 1 February 2007 (partially, in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedules 1 and 2	2 April 2007 (in relation to Wales) and 1 July 2007 (in relation to England)	2007/204 (W.18) (C.9) 2007/1375 (C.57)
Schedule 3	1 October 2006 (partially) 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 4	1 October 2006	2006/2603 (C.88)
Schedules 5 and 6	28 September 2006 (partially) and 1 October 2006 (remainder)	2006/2603 (C.88) 2006/2603 (C.88)
Schedule 7	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 1 to 5	1 October 2006	2006/2603 (C.88)

<i>Provision</i>	<i>Date of</i>	<i>S.I. Number Commencement</i>
Schedule 8, paragraph 24(a)	1 October 2006 (partially) and 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 8, paragraphs 26 to 28	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraph 31	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 32—34	1 August 2008	2008/1972 (C.96)
Schedule 8, paragraph 35	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraphs 39—42	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraph 43	1 February 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Schedule 8, paragraph 44	1 October 2006 (except in relation to Wales) and 1 February 2007 (in relation to Wales)	2006/2603 (C.88) 2007/204 (W.18) (C.9)
Schedule 8, paragraph 45(1)	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraph 45(3)	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 46	1 August 2008	2008/1972 (C.96)
Schedule 8, paragraphs 47 and 48	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 49	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 8, paragraphs 51 and 52	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 55	29 January 2007 (in relation to Scotland)	SSI 2007/9 (C.1)
Schedule 8, paragraphs 56 to 61	1 October 2006	2006/2603 (C.88)
Schedule 8, paragraph 62	1 February 2007 (in relation to Wales)	2007/204 (W.18) (C.9)
Schedule 9	1 October 2006 (partially)	2006/2603 (C.88)
Schedule 9	1 February 2007 (partially in relation to Wales)	2007/204 (W.18) (C.9)