



Health and Social Care Act 2001

CHAPTER 15

HEALTH AND SOCIAL CARE ACT 2001

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- 2 Payments relating to past performance
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- 5 Income generation

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- 11 Public involvement and consultation

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- 12 Independent advocacy services

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

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Measures to increase availability of Part 3 accommodation

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- 54 Funding by resident etc. of more expensive accommodation
- 55 Power for local authorities to take charges on land instead of contributions
- 56 Cross-border placements

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SCHEDULES

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Part 1 — DESCRIPTIONS OF EXEMPT INFORMATION

- 1 Information relating to a particular employee, former employee or applicant...
- 2 Information relating to any particular occupier or former occupier of,...
- 3 Information relating to any particular applicant for, or recipient or...
- 4 Information relating to any particular applicant for, or recipient or...
- 5 The amount of any expenditure proposed to be incurred by...
- 6 Any terms proposed or to be proposed by or to...

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- 7 The identity of a relevant body (as well as of...
- 8 Information relating to any consultations or negotiations, or contemplated consultations...
- 9 Any instructions to counsel and any opinion of counsel (whether...
- 10 Information relating to a particular person who is or was...
- 11 Information relating to a particular person who is or was...
- 12 Information relating to a particular person who is or was...
- 13 Information relating to any particular employee, former employee, or applicant...
- 14 Information relating to the physical or mental health of a...
Part 2 — QUALIFICATIONS
- 15 Information relating to a person of a description specified in...
- 16 Information falling within paragraph 5 of Part 1 is exempt...
- 17 Information falling within paragraph 6 of Part 1 is exempt...
- 18 Information falling within paragraph 8 of Part 1 is exempt...
Part 3 — INTERPRETATION
- 19 In this Schedule— “disposal”, in relation to property, includes the...

SCHEDULE 2 — Pilot Schemes

- 1 *How pilot schemes may be initiated*
- 2 *Preliminary steps to be taken*
- 3 *Approval*
- 4 *Preliminary approval*
- 5 *Effect of proposals on existing services*
- 6 *Guidance*
- 7 *Making a scheme*

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SCHEDULE 5 — Minor and consequential amendments

Part 1 — NATIONAL HEALTH SERVICE

- 1 *Health Services and Public Health Act 1968 (c. 46)*
- 2 *House of Commons Disqualification Act 1975 (c. 24)*
- 3 In Part 3 of Schedule 1 to that Act (which...
- 4 *Patents Act 1977 (c. 37)*
- 5 *National Health Service Act 1977 (c. 49)*
- 6 *Mental Health Act 1983 (c. 20)*
- 7 *Copyright, Designs and Patents Act 1988 (c. 19)*
- 8 *National Health Service and Community Care Act 1990 (c. 48)*
- 9 *Trade Union and Labour Relations (Consolidation) Act 1992 (c. 46)*
- 10 *Tribunals and Inquiries Act 1992 (c. 53)*
- 11 *National Health Service (Primary Care) Act 1997 (c. 46)*
- 12 *Health Act 1999 (c. 8)*
- 13 *Local Government Act 2000 (c. 22)*
- 14 *Freedom of Information Act 2000 (c. 36)*

Part 2 — SOCIAL CARE

- 15 *Local Authority Social Services Act 1970 (c. 42)*
- 16 *Carers and Disabled Children Act 2000 (c. 16)*

PART 3 — PATIENT INFORMATION

- 17 *House of Commons Disqualification Act 1975 (c. 24)*
- 18 *Freedom of Information Act 2000 (c. 36)*

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SCHEDULE 6 — Repeals

Part 1 — NATIONAL HEALTH SERVICE

Part 2 — PHARMACEUTICAL SERVICES

Part 3 — SOCIAL CARE

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Health and Social Care Act 2001. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to :

- s. 1-4 repealed by 2006 c. 43 Sch. 4
- s. 4 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 6 repealed by 2006 c. 43 Sch. 4
- s. 6(1) coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 6(3) coming into force by S.I. 2004/103 art. 2
- s. 7 coming into force by S.I. 2003/53 art. 3(a)
- s. 7 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 7(2)-(5) repealed by 2006 c. 43 Sch. 4
- s. 7(3)(b) words inserted by 2002 c. 17 s. 21
- s. 7(3)(b) words inserted by 2003 c. 43 Sch. 4 para. 116(a)
- s. 7(3)(c) words inserted by 2003 c. 43 Sch. 4 para. 116(b)
- s. 7(4) words substituted by 2003 c. 43 Sch. 4 para. 116(c)
- s. 8 coming into force by S.I. 2003/53 art. 3(a)
- s. 8 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 8-13 repealed by 2006 c. 43 Sch. 4
- s. 9 coming into force by S.I. 2003/53 art. 3(a)
- s. 9 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 10 coming into force by S.I. 2003/53 art. 3(a)
- s. 10 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 11 coming into force by S.I. 2003/53 art. 3(a)
- s. 11(2)(b) word repealed by 2003 c. 43 Sch. 14 Pt. 1
- s. 12 coming into force by S.I. 2003/2245 art. 2(a)
- s. 12 coming into force by S.I. 2004/103 art. 3
- s. 12 words inserted by 2002 c. 17 s. 16(5)
- s. 13 coming into force by S.I. 2003/713 art. 2
- s. 14(1)-(3) repealed by 2006 c. 43 Sch. 4
- s. 14(4) words substituted by 2006 c. 43 Sch. 1 para. 215
- s. 15 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 16 repealed by 2006 c. 43 Sch. 4
- s. 17 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 18 repealed by 2003 c. 43 Sch. 11 para. 70 Sch. 14 Pt. 4
- s. 19 repealed by 2003 c. 44 Sch. 37 Pt. 11
- s. 19 repealed by 2005 c. 15 Sch. 17 Pt. 2
- s. 20 repealed by 2006 c. 43 Sch. 4
- s. 20(1) coming into force by S.I. 2003/53 art. 4(a)
- s. 20(2)-(4) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 20(6) coming into force by S.I. 2003/53 art. 4(a)
- s. 20(7) coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 21 repealed by 2006 c. 43 Sch. 4
- s. 22 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 23-25 repealed by 2006 c. 43 Sch. 4
- s. 23(2) (3) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 23(4)(5) coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 25 coming into force by S.I. 2003/53 art. 4(b)
- s. 26 repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 27 repealed by 2006 c. 43 Sch. 4
- s. 27(5) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 28-38 repealed by 2006 c. 43 Sch. 4
- s. 28(4) words substituted by 2003 c. 43 Sch. 11 para. 71
- s. 28(7) words inserted by 2003 c. 43 Sch. 4 para. 117
- s. 33(1) words inserted by 2003 c. 43 Sch. 4 para. 118

- s. 39(1) words substituted by 2006 c. 43 Sch. 1 para. 216(a)
- s. 39(2) words substituted by 2006 c. 43 Sch. 1 para. 216(b)
- s. 40 coming into force by S.I. 2006/481 art. 2(1)(a)
- s. 40 coming into force by S.I. 2006/481 art. 2(2)(a)
- s. 40-43 repealed by 2006 c. 43 Sch. 4
- s. 41(1)(a) words repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 41(1)(b) and word(s) repealed by 2003 c. 43 Sch. 14 Pt. 4
- s. 45 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 45-48 repealed by 2006 c. 43 Sch. 4
- s. 46 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 47 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- s. 48 coming into force by S.I. 2004/1754 art. 2(2)(a)
- s. 49 coming into force by S.I. 2003/850 art. 2
- s. 49 coming into force by S.I. 2004/103 art. 4
- s. 49 omitted by S.I. 2016/413 reg. 180
- s. 50 omitted by S.I. 2016/413 reg. 181
- s. 50(10) words omitted by S.I. 2015/914 Sch. para. 63
- s. 53 coming into force by S.I. 2003/939 art. 2 Sch. 1
- s. 54 coming into force by S.I. 2003/939 art. 2 Sch. 1 (See s. 70(2)(c) and SI 2001/3167 for earlier commencements)
- s. 54 omitted by S.I. 2016/413 reg. 182
- s. 54(1)(b) words repealed by 2008 c. 14 Sch. 15 Pt. 5
- s. 55 coming into force by S.I. 2003/939 art. 2 Sch. 1
- s. 55(7) substituted by S.I. 2015/914 Sch. para. 64(3)
- s. 55(7) substituted by S.I. 2016/413 reg. 183(b)
- s. 56 omitted by S.I. 2016/413 reg. 184
- s. 57 coming into force by S.I. 2003/850 art. 3(1)(a)
- s. 57 coming into force by S.I. 2004/1754 art. 2(2)(b)
- s. 57(1) words inserted by S.I. 2015/914 Sch. para. 65(2)(a)
- s. 57(1) words omitted by S.I. 2016/413 reg. 185(a)(ii)
- s. 57(1) words substituted by S.I. 2015/914 Sch. para. 65(2)(b)
- s. 57(1) words substituted by S.I. 2016/413 reg. 185(a)(i)
- s. 57(2) omitted by S.I. 2016/413 reg. 185(b)
- s. 57(2) words inserted by S.I. 2015/914 Sch. para. 65(3)
- s. 57(2) words omitted by S.I. 2015/914 Sch. para. 65(3)
- s. 57(3)-(5) (7) amendment to earlier affecting provision 1989 c. 41 s. 17A by 2008 c. 14 Sch. 14 para. 1
- s. 57(3)-(5) (7) applied (with modifications) by 1989 c. 41 s. 17A(3) (as substituted) by 2001 c. 15 s. 58
- s. 57(3)(a) words inserted by 2008 c. 14 s. 146(3)(a)
- s. 57(3)(a) words substituted by S.I. 2015/914 Sch. para. 65(5)
- s. 57(3)(a) words substituted by S.I. 2016/413 reg. 185(e)
- s. 57(3)(c)(i) words inserted by 2008 c. 14 s. 146(3)(b)
- s. 57(3)(d) words inserted by 2008 c. 14 s. 146(3)(c)
- s. 57(3)(e)(ii) words inserted by 2008 c. 14 s. 146(3)(c)
- s. 57(3)(g) words substituted by S.I. 2015/914 Sch. para. 65(6)
- s. 57(3)(g) words substituted by S.I. 2016/413 reg. 185(e)
- s. 57(4)(a) applied by S.I. 2004/1748 reg. 6(3)(a)
- s. 57(4)(a) applied by S.I. 2004/1748 reg. 6(4)(a)
- s. 57(4)(b) excluded by S.I. 2004/1748 reg. 6(3)(b)
- s. 57(4)(b) excluded by S.I. 2004/1748 reg. 6(4)(b)
- s. 57(4)(b) words inserted by 2008 c. 14 s. 146(4)
- s. 57(5)(a) words inserted by 2008 c. 14 s. 146(5)(a)
- s. 57(5)(b) words inserted by 2008 c. 14 s. 146(5)(b)
- s. 58 coming into force by S.I. 2003/850 art. 3(1)(b)
- s. 58 coming into force by S.I. 2003/850 art. 3(2)(a)
- s. 58 coming into force by S.I. 2004/1754 art. 2(1)
- s. 58 coming into force by S.I. 2004/1754 art. 2(2)(c)

- s. 59(1) words inserted by S.I. 2015/914 Sch. para. 66(3)(a)
- s. 59(1) words inserted by S.I. 2016/413 reg. 186(b)(iii)
- s. 59(1) words omitted by S.I. 2015/914 Sch. para. 66(2)
- s. 59(1) words omitted by S.I. 2016/413 reg. 186(a)
- s. 59(1) words omitted by S.I. 2016/413 reg. 186(b)(i)
- s. 59(1) words substituted by S.I. 2015/914 Sch. para. 66(3)(b)
- s. 59(1) words substituted by S.I. 2016/413 reg. 186(b)(ii)
- s. 60 repealed by 2006 c. 43 Sch. 4
- s. 61 repealed by 2006 c. 43 Sch. 4
- s. 64(3) repealed by 2006 c. 43 Sch. 4
- s. 65 modified by 2006 c. 43 Sch. 2 para. 1(6)(c)
- s. 66 words omitted by 2006 c. 43 Sch. 1 para. 217
- s. 67(1) coming into force by S.I. 2003/2245 art. 2(b)
- s. 67(1) coming into force by S.I. 2003/53 art. 2(b)
- s. 67(1) coming into force by S.I. 2003/53 art. 3(c)
- s. 67(1) coming into force by S.I. 2003/53 art. 4(d)
- s. 67(1) coming into force by S.I. 2003/850 art. 3(2)(b)
- s. 67(1) coming into force by S.I. 2003/850 art. 3(2)(c)
- s. 67(1) coming into force by S.I. 2006/481 art. 2(2)(c)
- s. 67(1) coming into force by S.I. 2004/1754 art. 2(2)(d)
- s. 67(2) coming into force by S.I. 2003/53 art. 4(c)
- s. 67(2) coming into force by S.I. 2003/850 art. 3(2)(d)
- s. 67(2) coming into force by S.I. 2006/481 art. 3
- s. 67(2) coming into force by S.I. 2004/1754 art. 2(2)(e)
- s. 68(2) repealed by 2006 c. 43 Sch. 4
- s. 68(3) repealed by 2006 c. 43 Sch. 4
- s. 68(4) words substituted by 2006 c. 43 Sch. 1 para. 218
- Sch. 1 para. 1 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 2 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 3 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 4 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 5 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 6 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 7 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 8 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 9 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 10 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 11 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 12 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 13 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 14 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 15 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 16 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 17 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 18 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1 para. 19 coming into force by S.I. 2003/53 art. 3(b)
- Sch. 1-4 repealed by 2006 c. 43 Sch. 4
- Sch. 1 para. 11 substituted for s. Sch. 1 para. 11 12 by 2003 c. 43 Sch. 11 para. 72(2)
- Sch. 1 para. 13 words substituted by 2003 c. 43 Sch. 11 para. 72(3)
- Sch. 2 para. 5(2)(c) substituted for Sch. 2 para. 5(2)(c)(d) by 2003 c. 43 Sch. 11 para. 73
- Sch. 3 coming into force by S.I. 2006/481 art. 2(1)(b)
- Sch. 3 coming into force by S.I. 2006/481 art. 2(2)(b)
- Sch. 4 coming into force by S.I. 2004/1754 art. 2(2)(a)
- Sch. 5 para. 6 coming into force by S.I. 2003/2245 art. 2(b)
- Sch. 5 para. 1 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 4 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 5(1) coming into force by S.I. 2003/53 art. 2(c)

- Sch. 5 para. 5(1) coming into force by S.I. 2003/53 art. 4(d)
- Sch. 5 para. 5(14) coming into force by S.I. 2003/53 art. 4(d)
- Sch. 5 para. 5(17) coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 7 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 9 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para 11(1) coming into force by S.I. 2003/53 art. 2(c)
- Sch. 5 para. 11(2)(a) coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 13 coming into force by S.I. 2003/53 art. 3(c)
- Sch. 5 para. 14 coming into force by S.I. 2003/53 art. 2(a)
- Sch. 5 para. 15(1)(2) coming into force by S.I. 2003/850 art. 3(2)(b)
- Sch. 5 para. 15(1)(3) coming into force by S.I. 2003/850 art. 3(2)(c)
- Sch. 5 para. 5(3)(11)para. 5(12)(a)(14)(17) coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- Sch. 5 para. 5(12)(a) coming into force by S.I. 2006/481 art. 2(2)(c)
- Sch. 5 para. 11(4) coming into force by S.I. 2006/481 art. 2(2)(c)
- Sch. 5 para. 15(1) coming into force by S.I. 2004/1754 art. 2(2)(d)
- Sch. 5 para. 15(2) coming into force by S.I. 2004/1754 art. 2(2)(d)(i)
- Sch. 5 para. 15(3) coming into force by S.I. 2004/1754 art. 2(2)(d)(ii)
- Sch. 5 para. 5(4)-(7) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 11(2) (3) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 12(2) repealed by 2003 c. 43 Sch. 14 Pt. 4
- Sch. 5 para. 5 repealed by 2006 c. 43 Sch. 4
- Sch. 5 para. 8 repealed by 2006 c. 43 Sch. 4
- Sch. 5 para. 11 repealed by 2006 c. 43 Sch. 4
- Sch. 5 para. 12 repealed by 2006 c. 43 Sch. 4
- Sch. 5 Pt. 3 repealed by 2008 c. 14 Sch. 15 Pt. 6
- Sch. 5 para. 3 repealed by S.I. 2010/22 Sch. 4 Pt. 1
- Sch. 5 para. 10 repealed by S.I. 2010/22 Sch. 4 Pt. 1
- Sch. 6 coming into force by S.I. 2003/53 art. 4(c)
- Sch. 6 Pt. 3 coming into force by S.I. 2003/850 art. 3(2)(d)
- Sch. 6 Pt. 1 coming into force by S.I. 2006/1407 art. 1(1) Sch. 1 Pt. 2 para. 8
- Sch. 6 Pt. 2 coming into force by S.I. 2006/481 art. 3
- Sch. 6 Pt. 3 coming into force by S.I. 2004/1754 art. 2(2)(e)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act extended in part (Isles of Scilly) (with modifications) by S.I. 2003/49 art. 2
- Act extended in part (Isles of Scilly) (with modifications) by S.I. 2003/761 art. 2(2)(a)
- Act extended in part (Isles of Scilly) (with modifications) by S.I. 2004/1425 art. 2

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11(2)(d) inserted by 2003 c. 43 s. 30
- s. 41(2A) inserted by S.I. 2006/1407 Sch. 1 Pt. 2 para. 7
- s. 55(2A) inserted by S.I. 2015/914 Sch. para. 64(2)
- s. 55(2B) inserted by S.I. 2016/413 reg. 183(a)
- s. 57(1A)-(1C) inserted by 2008 c. 14 s. 146(2)
- s. 57(2A)(2B) inserted by S.I. 2015/914 Sch. para. 65(4)
- s. 57(2A) words omitted by S.I. 2016/413 reg. 185(c)
- s. 57(2B) words substituted by S.I. 2016/413 reg. 185(d)
- s. 57(3)(j)-(l) inserted by 2008 c. 14 s. 146(3)(d)
- s. 57(5A)-(5C) inserted by 2008 c. 14 s. 146(6)
- s. 57(7A) inserted by 2008 c. 14 s. 146(7)
- s. 57(7B) inserted by 2010 nawm 2 s. 16(2)
- s. 57(7B) omitted by S.I. 2016/413 reg. 185(f)
- s. 64(4A) inserted by 2008 c. 14 s. 146(8)
- Sch. 1 para. 11(a) modified by S.I. 2004/865 art. 109(2)(g)

- Sch. 1 para. 11(a) substituted by 2006 c. 28 Sch. 8 para. 46

Commencement Orders yet to be applied to the Health and Social Care Act 2001

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/713 art. 2 commences (2001 c. 15)
- S.I. 2003/850 art. 2 3 commences (2001 c. 15)
- S.I. 2003/2246 art. 2 commences (2002 c. 17)
- S.I. 2004/288 art. 2-6 commences (2003 c. 43)
- S.I. 2004/480 art. 2-5 commences (2003 c. 43)
- S.I. 2004/759 art. 2-13 commences (2003 c. 43)
- S.I. 2004/1009 art. 2 commences (2003 c. 43)
- S.I. 2004/1019 art. 2 commences (2003 c. 43)
- S.I. 2005/2925 art. 2 4-11 commences (2003 c. 43)
- S.I. 2006/345 art. 2-7 commences (2003 c. 43)
- S.I. 2006/378 art. 2-7 Sch. commences (2005 c. 15)
- S.I. 2006/1407 Sch. 1 Pt. 2 para. 12 13 commences (2002 c. 17 and 2003 c. 43)
- S.I. 2008/1972 art. 2 commences (2006 c. 28)
- S.I. 2008/2497 art. 2-7 commences (2008 c. 14)
- S.I. 2009/462 art. 2-5 Sch. 1 commences (2008 c. 14)
- S.I. 2009/631 art. 2 commences (2008 c. 14)
- S.I. 2009/2567 art. 2 3 commences (2008 c. 14)
- S.I. 2011/849 art. 2 commences (2010 nawm 2)
- S.I. 2011/986 art. 2 3 commences (2008 c. 14)