



Health Act 2009

2009 CHAPTER 21

PART 4

GENERAL

37 Power to make transitional and consequential provision etc

- (1) The Secretary of State may by order make—
 - (a) such transitional or transitory provisions or savings as the Secretary of State considers appropriate in connection with the coming into force of any provision of this Act;
 - (b) such supplementary, incidental or consequential provision as the Secretary of State considers appropriate for the purposes of, in consequence of, or for giving full effect to, any provision of this Act.
- (2) Subsection (1)(a) does not apply to—
 - (a) section 19 and Schedule 3, so far as they relate to amendments of the National Health Service (Wales) Act 2006 (c. 42);
 - (b) sections 20 to 24 and Schedule 4, so far as they relate to Wales or Northern Ireland;
 - (c) sections 30 to 32.
- (3) The Welsh Ministers may by order make such transitional or transitory provisions or savings as the Welsh Ministers consider appropriate in connection with the coming into force of—
 - (a) section 19 and Schedule 3, so far as they relate to amendments of the National Health Service (Wales) Act 2006;
 - (b) sections 20 to 24 and Schedule 4, so far as they relate to Wales;
 - (c) sections 30 to 32.
- (4) The Department of Health, Social Services and Public Safety in Northern Ireland may by order make such transitional or transitory provisions or savings as the Department considers appropriate in connection with the coming into force of sections 20 to 24 and Schedule 4, so far as they relate to Northern Ireland.

Changes to legislation: Health Act 2009, Section 37 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) An order under this section may amend, repeal, revoke or otherwise modify any enactment.
- (6) An order under this section may, in particular, provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order.
- (7) The power to make an order under subsection (1) or (3) is exercisable by statutory instrument.
- (8) The power to make an order under subsection (4) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (9) A statutory instrument containing an order under subsection (1)—
 - (a) if it amends or repeals an enactment contained in an Act of Parliament, may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament;
 - (b) in any other case, is subject to annulment in pursuance of a resolution of either House of Parliament.
- (10) A statutory instrument containing an order under subsection (3) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (11) A statutory rule containing an order under subsection (4) is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)).
- (12) In this section “enactment” means an enactment contained in, or in an instrument made under—
 - (a) an Act of Parliament,
 - (b) a Measure or Act of the National Assembly for Wales, or
 - (c) Northern Ireland legislation.

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

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

- s. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing [SI 2010/1068 art. 2](#)