
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third Commencement Order made under the Health and Social Care Act 2001 (“the 2001 Act”).

Article 2 brings into force in England, on 1st October 2001, section 6 of the 2001 Act.

Article 3(1) brings into force in England, on 1st October 2001, section 49 of the 2001 Act in relation to persons who are provided with accommodation under section 21 of the National Assistance Act 1948 and who would be liable to make a payment for that accommodation and the nursing care in connection with that accommodation (under section 22 or 26 of that Act) at the standard rate or at a lower rate which is not less than the standard rate minus £110. Article 3(2) provides that section 49 continues to apply to a person even if he ceases to satisfy article 3(1)(b). Section 49 of the 2001 Act excludes nursing care by a registered nurse (as defined in that section) from the services which can be provided by local authorities pursuant to enactments relating to community care services.

Article 4(1) brings into force in England, on 1st October 2001 for certain purposes, and on 1st December 2001 for all other purposes, provisions of the Act which establish, and relate to, the Family Health Services Appeal Authority (the FHSAA).

Article 4(2) makes transitional provision in respect of amendments which would otherwise be made to the National Health Service Act 1977 (c. 49) (“the 1977 Act”) by section 27(2) of, and paragraph 5(10)(b) and 13(a), (b) and (d) of Schedule 5 to, the 2001 Act, to the National Health Service (Primary Care) Act 2001 (c. 46) by section 27(5)(b) of the 2001 Act and to the Tribunals and Inquiries Act 1992 (c. 53) by paragraph 10 of Schedule 5 to the 2001 Act.