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STATUTORY INSTRUMENTS

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**2001 No. 3752 (C. 122)**

**SOCIAL CARE, ENGLAND AND WALES  
SOCIAL CARE, SCOTLAND**

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

*Made - - - - 7th November 2001*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 64(6) and 70(2) of the Health and Social Care Act 2001<sup>(1)</sup>, hereby makes the following Order:

**Citation, interpretation and extent**

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

(2) In this Order—

“the Act” means the Health and Social Care Act 2001.

(3) Article 2(1) and article 3 of this Order extend to England, Wales and Scotland<sup>(2)</sup>.

(4) Article 2(2) of this Order extends to England only.

**Appointed days in respect of section 50 of the Act**

2.—(1) 8th April 2002 is the appointed day for the coming into force of subsection (1) of section 50 of the Act.

(2) 20th December 2001 is the appointed day for the coming into force of—

(a) subsections (2) to (7) and (10) of section 50 of the Act, and

(b) subsection (8) of section 50 of the Act in so far as that subsection has not already been brought into force.

**Appointed day in respect of sections 51 and 52 of the Act**

3. 8th November 2001 is the appointed day for the coming into force of sections 51 and 52 of the Act.

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<sup>(1)</sup> 2001 c. 15.

<sup>(2)</sup> See the Health and Social Care Act 2001, section 70(3)(b) and (4)(b) for the definition of “relevant authority” in relation to, and section 70(5) and (6) for the extent of, sections 50 to 52 of that Act.

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**Status:** This is the original version (as it was originally made).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

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Signed by authority of the Secretary of State for Health

7th November 2001

*Jacqui Smith*  
Minister of State,  
Department of Health

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## 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”).

Article 2(1) brings into force in England, Wales and Scotland, on 8th April 2002, subsection (1) of section 50 of the Act, which provides that section 26A of the National Assistance Act 1948 (c. 29) (“the 1948 Act”) and section 86A of The Social Work (Scotland) Act 1968 (c. 49) shall cease to have effect. Sections 26A and 86A prevent local authorities from providing residential accommodation for persons who were in such accommodation on 31st March 1993.

Article 2(2) brings into force in England, on 20th December 2001, subsections (2) to (7) and (10) of section 50 of the Act and subsection (8) of that section in so far as it has not been brought into force by section 70(2) of the Act. The provisions commenced provide for the transfer to local authorities in England of responsibilities as to accommodation for persons to whom section 26A(1) of the 1948 Act applies.

Article 3 brings into force in England, Wales and Scotland, on 7th November 2001 sections 51 and 52 of the Act. Those sections provide for the disclosure of information and the alignment of social security benefits.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health and Social Care Act 2001 have been brought into force in relation to England by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
section 1 (partially)	22nd October 2001	<a href="#">2001/3619</a>
section 3	1st August 2001	<a href="#">2001/2804</a>
section 4	1st August 2001	<a href="#">2001/2804</a>
section 6	1st October 2001	<a href="#">2001/3294</a>
section 13	1st August 2001	<a href="#">2001/2804</a>
section 27 (partially)	1st October 2001	<a href="#">2001/3294</a>
section 27 (remainder)	1st December 2001	<a href="#">2001/3294</a>
section 46 (partially)	1st August 2001	<a href="#">2001/2804</a>
section 47	1st August 2001	<a href="#">2001/2804</a>
section 48	1st August 2001	<a href="#">2001/2804</a>
Schedule 4	1st August 2001	<a href="#">2001/2804</a>
section 49 (partially)	1st October 2001	<a href="#">2001/3294</a>
section 53	1st October 2001	<a href="#">2001/3167</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
section 54 (partially)	1st October 2001	<a href="#">2001/3167</a>
section 55 (partially)	1st October 2001	<a href="#">2001/3167</a>
section 67(1) (partially)	1st October 2001	<a href="#">2001/3294</a>
section 67(1) (partially)	22nd October 2001	<a href="#">2001/3619</a>
Schedule 5, paragraph 5 (partially), paragraph 15 (partially)	22nd October 2001	<a href="#">2001/3619</a>
section 67(1) (partially)	1st December 2001	<a href="#">2001/3294</a>
Schedule 5, paragraphs 3, 5 (partially) and 10	1st October 2001	<a href="#">2001/3294</a>
Schedule 5 (partially)	1st December 2001	<a href="#">2001/3294</a>