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STATUTORY INSTRUMENTS

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**2003 No. 1580 (C.65)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service Reform and Health Care  
Professions Act 2002 (Commencement No. 5) Order 2003**

*Made - - - - 17th June 2003*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 38(5) and 42(3) of the National Health Service Reform and Health Care Professions Act 2002<sup>(1)</sup> and all other powers enabling him in that behalf, after consulting the National Assembly for Wales in relation to sections 12 to 14 of that Act in accordance with section 42(4) thereof, hereby makes the following Order:

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 5) Order 2003.

(2) In this Order “the Act” means the National Health Service Reform and Health Care Professions Act 2002.

(3) This Order extends to England and Wales apart from article 3 which extends to England only.

**Appointed days for provisions relating to the Commission for Health Improvement**

2.—(1) The day appointed for the coming into force of sections 12(4) and 13(2) of the Act is—

- (a) 18th June 2003 for the purpose of making regulations; and
- (b) 11th July 2003 for all other purposes.

(2) 11th July 2003 is the day appointed for the coming into force of—

- (a) sections 12(1) to (3) and (5) (further functions of the Commission for Health Improvement), 13(1) (Commission for Health Improvement: inspections and investigations) and 14 (Commission for Health Improvement: constitution) of the Act;
- (b) paragraph 30 of Schedule 8 to the Act (minor and consequential amendments) and, in so far as they relate to that paragraph, paragraph 28 of that Schedule and section 37(1) of the Act;

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(1) 2002 c. 17. See section 42(4) for the definition of “appropriate authority”.

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- (c) the entries in Part 1 of Schedule 9 to the Act (repeals) relating to sections 20(1) and 23(6) of, and Schedule 2 to, the 1999 Act and, in so far as it relates to those entries, section 37(2) of the Act.

**Appointed day for section 23(1)**

**3.** 18th June 2003 is the day appointed for the coming into force of section 23(1) of the Act (joint working with the prison service).

Signed by authority of the Secretary of State for Health

17th June 2003

*Warner*  
Parliamentary Under Secretary 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 by the Secretary of State under the National Health Service Reform and Health Care Professions Act 2002 (“the Act”). One Order has also been made by the National Assembly for Wales.

Article 2 brings into force sections 12 to 14 of the Act, and minor and consequential amendments and repeals, which are concerned with the Commission for Health Improvement. Sections 12(4) and 13(2)—which amend powers to make regulations in sections 20 and 23 of the Health Act 1999—are brought into force on 18th June 2003 for the purpose of making regulations. Otherwise, the provisions are brought into force on 11th July 2003.

Article 3 brings into force on 18th June 2003 section 23(1) of the Act which imposes a duty of co-operation on NHS bodies and the prison service.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	2nd September 2002	<a href="#">2002/2202</a>
(remainder)	1st October 2002	<a href="#">2002/2478</a>
Section 2 (partially)	2nd September 2002	<a href="#">2002/2202</a>
(remainder)	1st October 2002	<a href="#">2002/2478</a>
Section 3(1) (partially)	2nd September 2002	<a href="#">2002/2202</a>
(partially)	1st October 2002	<a href="#">2002/2478</a>
Section 3(2)	2nd September 2002	<a href="#">2002/2202</a>
Section 3(3) (partially)	2nd September 2002	<a href="#">2002/2202</a>
(remainder)	1st October 2002	<a href="#">2002/2478</a>
Section 3(4)	1st October 2002	<a href="#">2002/2478</a>
Section 3(5)(a) and (b)	2nd September 2002	<a href="#">2002/2202</a>
Sections 4 and 5	1st October 2002	<a href="#">2002/2478</a>
Section 6	10th October 2002	<a href="#">2002/2532</a>
Sections 7 and 8	1st October 2002	<a href="#">2002/2478</a>
Section 9	10th October 2002	<a href="#">2002/2532</a>
Section 10 as to England	1st October 2002	<a href="#">2002/2478</a>
as to Wales	10th October 2002	<a href="#">2002/2532</a>
Section 20 as to England	1st January 2003	<a href="#">2002/3190</a>
Section 21 as to England	1st January 2003	<a href="#">2002/3190</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23 as to Wales	10th October 2002	<a href="#">2002/2532</a>
Section 24	10th October 2002	<a href="#">2002/2532</a>
Section 25 (partially)	27th August 2002	<a href="#">2002/2202</a>
Section 25 (partially)	1st December 2002	<a href="#">2002/2202</a>
Section 25 (remainder)	1st April 2003	<a href="#">2002/2202</a>
Section 26	1st April 2003	<a href="#">2002/2202</a>
Section 27	1st April 2003	<a href="#">2002/2202</a>
Section 29	1st April 2003	<a href="#">2002/2202</a>
Sections 30 to 34	1st April 2003	<a href="#">2003/833</a>
Section 35	1st October 2002	<a href="#">2002/2478</a>
Schedule 1, paragraphs 1 (partially), 3, 4, 6, 7 and 19	2nd September 2002	<a href="#">2002/2202</a>
Schedule 1 (remainder)	1st October 2002	<a href="#">2002/2478</a>
Schedule 2, paragraphs 31 and 32	2nd September 2002	<a href="#">2002/2202</a>
Schedule 2, remainder apart from paragraphs 16(6) and 17(4) and (5) and paragraph 1 in so far as it relates to those paragraphs	1st October 2002	<a href="#">2002/2478</a>
Schedule 2, paragraph 16(6) and paragraph 1 in so far as it relates to that paragraph	1st April 2003	<a href="#">2003/833</a>
Schedule 3	1st October 2002	<a href="#">2002/2478</a>
Schedule 4	10th October 2002	<a href="#">2002/2532</a>
Schedule 5	10th October 2002	<a href="#">2002/2532</a>
Schedule 6 as to England	1st January 2003	<a href="#">2002/3190</a>
Schedule 7, paragraphs 4–6, 22 and 23	27th August 2002	<a href="#">2002/2202</a>
Schedule 7, paragraphs 1–3, 7–15, 16(1) and (2), 17–21 and 24	1st December 2002	<a href="#">2002/2202</a>
Schedule 7 (remainder)	1st April 2003	<a href="#">2002/2202</a>
Schedule 8 (and section 37(1) in so far as it relates to the paragraphs specified below)		
Paragraphs 1 (partially), 4 to 7, 12, 18, 20, 21, 22 (partially), 23 to 27, 28 (partially), 29 and 31 to 37	1st October 2002	<a href="#">2002/2478</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraphs 1 (partially), 3, 8, 9 and 22 (remainder) as to England	1st October 2002	<a href="#">2002/2478</a>
Paragraphs 1 (partially), 2, 3, 8, 9 and 22 (remainder) as to Wales	10th October 2002	<a href="#">2002/2532</a>
Paragraphs 1 (partially) and 2 as to England	1st January 2003	<a href="#">2002/3190</a>
Paragraphs 13 to 17	1st April 2003	<a href="#">2003/833</a>
Schedule 9 (and section 37(2) in so far as it relates to the items commenced in the orders specified below)		
(partially)	1st October 2002	<a href="#">2002/2478</a>
(partially as to England)	1st October 2002	<a href="#">2002/2478</a>
(partially as to Wales)	10th October 2002	<a href="#">2002/2532</a>
(partially)	1st January 2003	<a href="#">2002/3190</a>
(partially)	1st April 2003	<a href="#">2003/833</a>