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STATUTORY INSTRUMENTS

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**2009 No. 462 (C. 31)**

**MENTAL HEALTH, ENGLAND AND WALES  
NATIONAL HEALTH SERVICE  
PUBLIC HEALTH  
SOCIAL CARE**

The Health and Social Care Act 2008 (Commencement  
No.9, Consequential Amendments and Transitory,  
Transitional and Saving Provisions) Order 2009

|   |         |                           |
|---|---------|---------------------------|
| <i>Made</i>   | - - - - | <i>25th February 2009</i> |
| <i>Laid before Parliament</i>   |         | <i>5th March 2009</i>     |
| <i>Coming into force</i>  |         |                           |
| <i>for the purpose of<br/>article 6</i>                                       |         | <i>27th March 2009</i>    |
| <i>for all other purposes<br/>except paragraphs 1<br/>and 2 of Schedule 5</i> |         | <i>1st April 2009</i>     |
| <i>for the purposes of<br/>paragraphs 1 and 2 of<br/>Schedule 5</i>           |         | <i>6th April 2009</i>     |

**THE HEALTH AND SOCIAL CARE ACT 2008 (COMMENCEMENT  
NO.9, CONSEQUENTIAL AMENDMENTS AND TRANSITORY,  
TRANSITIONAL AND SAVING PROVISIONS) ORDER 2009**

1. Citation, commencement, extent, application and interpretation
2. Appointed day for provisions relating to the dissolution of the CHAI, the CSCI and the MHAC and the functions of the Care Quality Commission
3. Appointed day for provisions relating to public health protection
4. Appointed day for provisions relating to the abolition of maintenance liability of relatives
5. Appointed day for minor and consequential amendments relating to Part 5 of the Act
6. Exercise by the Care Quality Commission of powers under section 113A of the 2000 Act

7. Suspension of the offence of carrying on a regulated activity while unregistered
8. Functions of the CHAI and the CSCI under the 2000 Act
9. Functions of the CHAI and the CSCI under the 2003 Act
10. Functions under the 1983 Act
11. Provision for continuity in the exercise of functions
12. Minor and consequential amendments
13. Transitory provisions relating to the Health Protection Agency
14. Transitory modification relating to section 156 of the Act
15. Revocations  
Signature

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SCHEDULE 1 — Provisions of Part 1 of the Health and Social Care Act 2008 coming into force on 1st April 2009

1. Section 1(2).
2. Section 1(3) and Schedule 1 insofar as they are not...
3. Section 2(2)(b) and (c).
4. Section 10 insofar as it is not already in force....
5. Section 16.
6. Section 17(1), (3) and (4).
7. Section 18.
8. Section 19.
9. Section 26(4) and (5).
10. Section 28(4)(c) and (d).
11. Sections 29 to 31.
12. Section 33.
13. Section 34(1) and (5).
14. Section 36.
15. Sections 38 to 40.
16. Section 46 insofar as it is not already in force....
17. Section 48.
18. Section 50.
19. Section 51 except insofar as it relates to a review...
20. Sections 52 to 59.
21. Section 66 insofar as it relates to the paragraphs of...
22. Sections 67 to 71.
23. Section 72 except insofar as it relates to a review...
24. Section 73.
25. Section 74.
26. Section 75.
27. Section 84.
28. Sections 86 and 87.
29. Section 89.
30. Section 95 insofar as it relates to the paragraphs of...
31. Section 96.
32. Section 166 insofar as it relates to the repeals and...
33. Schedule 3.
34. In Schedule 4— (a) paragraph 2, (b) paragraph 4,
35. In Schedule 5— (a) paragraph 1, (b) paragraph 7,
36. The repeals and revocations in Part 1 of Schedule 15...

SCHEDULE 2 — Transitory provision in relation to functions of the CHAI and the CSCI under the 2000 Act

1. In this Schedule, “the relevant date” means the date for...
2. (1) Until the relevant date, the Care Quality Commission shall—...
3. Until the relevant date, the 2000 Act and regulations made...
4. (1) The 2000 Act will have effect subject to the...
5. (1) The regulations specified in paragraph (2) will have effect...
6. The Care Standards Act 2000 (Extension of the Application of...
7. (1) The Adult Placement Schemes (England) Regulations 2004 will have...
8. The Commission for Social Care Inspection (Fees and Frequency of...
9. (1) The requirement in the regulations specified in sub-paragraph (2)...

SCHEDULE 3 — Transitory, transitional and saving provisions in relation to functions of the CHAI and the CSCI under the 2003 Act

1. Interpretation etc.
2. Annual reviews
3. Other reviews and investigations
4. Failings
5. Studies
6. Explanations and statements of action
7. Provision of advice to the Secretary of State and Welsh Ministers
8. Provision of information to the Comptroller and Auditor General, the Independent Regulator of NHS Foundation Trusts and the Auditor General for Wales
9. Arrangements with the Secretary of State for Defence
10. Annual accounts
11. Reports relating to the exercise of functions during the relevant financial year
12. Co-operation with the Auditor General for Wales
13. Availability of reports
14. Modification of provisions of the 2003 Act
15. Section 66(1) of the 2003 Act (right of entry) is...
16. Section 67(1) of the 2003 Act (right of entry: supplementary)...
17. Section 68(1) of the 2003 Act (power to require documents)...
18. Section 69(3) of the 2003 Act (failure to comply with...
19. Section 69A of the 2003 Act (provision of information by...
20. Section 88 of the 2003 Act (right of entry) is...
21. Section 89 of the 2003 Act (right of entry: supplementary)...
22. Section 90 of the 2003 Act (power to require information,...
23. Section 91(3) of the 2003 Act (failure to comply with...

SCHEDULE 4 — Transitional provision in relation to functions under the 1983 Act

1. In this Schedule, “regulatory authority” means— (a) in relation to...
2. (1) The appointment by the MHAC of—
3. (1) Where a report required to be given to the...
4. (1) Where a report required to be given to the...
5. Provision made before the appointed day by the Secretary of...
6. A review commenced by the MHAC under subsection (1) of...
7. Where an arrangement has been made by the MHAC before...
8. Where an arrangement was made by the MHAC before the...
9. A requirement to produce any records under subsection (4)(b) of...
10. (1) Provision made before the appointed day under subsection (6)...
11. Where, immediately before the appointed day, a decision fell to...

12. On and after the appointed day, a direction made before...
13. (1) A report under subsection (10) of section 121 of...
14. Section 134A of the 1983 Act shall apply in respect...
15. Any direction given by the MHAC before the appointed day...
16. It shall be the duty of the Care Quality Commission...
17. (1) In this paragraph— “the 1993 Act” means the Health...

#### SCHEDULE 5 — Minor and Consequential Amendments

1. The Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972
2. The National Assistance (Assessment of Resources) Regulations 1992
3. The Health Authorities (Membership and Procedure) Regulations 1996
4. The National Health Service (Functions of Health Authorities and Administration Arrangements) Regulations 1996
5. The Public Interest Disclosure (Prescribed Persons) Order 1999
6. The Redundancy Payments (Continuity of Employment in Local Government, etc) (Modification) Order 1999
7. The Ionising Radiation (Medical Exposure) Regulations 2000
8. The Welsh Language Schemes (Public Bodies) Order 2001
9. The National Health Service (Functions of Strategic Health Authorities and Primary Care Trusts and Administration Arrangements) (England) Regulations 2002
10. The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003
11. The National Health Service (General Medical Services Contracts) (Wales) Regulations 2004
12. The Race Relations Act 1976 (Statutory Duties) Order 2004
13. In Schedule 1 to that Order (bodies and other persons...
14. The Health and Social Care Information Centre Regulations 2005
15. The Children Act 2004 (Joint Area Reviews) Regulations 2005
16. The Disability Discrimination (Public Authorities) (Statutory Duties) Regulations 2005
17. The National Health Service (General Dental Services Contracts) Regulations 2005
18. The National Health Service (Personal Dental Services Agreements) Regulations 2005
19. The National Health Service (Personal Dental Services Agreements) (Wales) Regulations 2006
20. The National Health Service (General Dental Services Contracts) (Wales) Regulations 2006
21. The Sex Discrimination Act 1975 (Public Authorities) (Statutory Duties) Order 2006
22. In the Schedule to that Order omit “The Commission for...
23. The Controlled Drugs (Supervision of Management and Use) Regulations 2006
24. The National Assembly for Wales (Disqualification) Order 2006
25. The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008

#### SCHEDULE 6 — Revocations

Explanatory Note