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STATUTORY INSTRUMENTS

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**2010 No. 1863 (C. 95)**

**SOCIAL CARE, ENGLAND**

**The Health Act 2009 (Commencement No. 4) Order 2010**

*Made* - - - - *20th July 2010*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 40(1) of the Health Act 2009<sup>(1)</sup>.

**Citation**

1. This Order may be cited as the Health Act 2009 (Commencement No. 4) Order 2010.

**Appointed day for provisions relating to adult social care**

2. 1st October 2010 is the day appointed for the coming into force of section 35 of, and Schedule 5 to, the Health Act 2009 (which relate to the investigation of complaints about privately arranged or funded adult social care).

Signed by authority of the Secretary of State for Health.

20th July 2010

*Paul Burstow*  
Minister of State,  
Department of Health

**Status:** This is the original version (as it was originally made).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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## EXPLANATORY NOTE

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

This Order brings into force section 35 of, and Schedule 5 to, the Health Act 2009 which insert provisions into the Local Government Act 1974<sup>(2)</sup> to give the Commission for Local Administration in England, commonly known as the Local Government Ombudsman, powers to investigate complaints about privately arranged or funded adult social care.

The Local Government Ombudsman can only investigate matters which relate to action taken by an ‘adult social care provider’. An ‘adult social care provider’ means a person who carries on an activity which involves, or is connected with, the provision of adult social care and which is a regulated activity within the meaning of Part 1 of the Health and Social Care Act 2008<sup>(3)</sup>. An activity may only be ‘regulated’ if it involves, or is connected with, the provision of social care in, or in relation to, England.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health Act 2009 have been or will be brought into force by the commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 1 to 7	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Sections 8 to 10 (fully)	1st April 2010	<a href="#">2010/30 (C. 5)</a>
Sections 11 to 13	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Section 15(1) (partially)	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Section 15(2) (partially)	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Sections 16 and 17	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Section 18 (partially)	15th February 2010	<a href="#">2010/30 (C. 5)</a>
Section 19 (partially)	19th January 2010	<a href="#">2010/30 (C. 5)</a>
Section 20 (insofar as not already in force)	1st October 2013	<a href="#">2010/1068 (C. 70)</a>
Section 21 (partially)	1st October 2011	<a href="#">2010/1068 (C. 70)</a>
Section 21 (partially)	1st October 2013	<a href="#">2010/1068 (C. 70)</a>
Section 22 (insofar as not already in force)	1st October 2011	<a href="#">2010/1068 (C. 70)</a>
Section 24 (partially)	1st October 2011	<a href="#">2010/1068 (C. 70)</a>
Section 24 (partially)	1st October 2013	<a href="#">2010/1068 (C. 70)</a>
Section 25 (partially)	18th March 2010	<a href="#">2010/779 (C.52)</a>

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(2) 1974 c. 7.

(3) 2008 c. 14.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 25 (fully)	24th May 2010	2010/779 (C. 52)
Section 33	19th January 2010	2010/30 (C. 5)
Section 36	19th January 2010	2010/30 (C. 5)
Schedule 2 (partially)	15th February 2010	2010/30 (C. 5)
Paragraphs 1 to 13 of Schedule 3	19th January 2010	2010/30 (C. 5)
Paragraphs 18 and 19 of Schedule 3 (partially)	19th January 2010	2010/30 (C. 5)
Schedule 4 (partially)	1st October 2011	2010/1068 (C. 70)
Schedule 4 (partially)	1st October 2013	2010/1068 (C. 70)
Schedule 6 (partially)	1st October 2011	2010/1068 (C. 70)