
STATUTORY INSTRUMENTS

2010 No. 708

**The Health and Social Care Act 2008 (Commencement
No. 15, Consequential Amendments and
Transitional and Savings Provisions) Order 2010**

Citation, commencement, extent, application and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No.15, Consequential Amendments and Transitional and Savings Provisions) Order 2010, and—

- (a) this article and articles 2 to 4, 6, 11, 13 and 14 come into force on 1st April 2010;
- (b) article 5 comes into force on 1st August 2010;
- (c) articles 7 to 10, together with Schedules 1 and 2, come into force on 6th April 2010; and
- (d) article 12 comes into force on 19th April 2010.

(2) This article and Part 3 extend to England and Wales, Scotland and Northern Ireland (but, by virtue of section 169(6) of the 2008 Act, the repeals commenced by virtue of article 4(1)(b) and (2) (c) have the same extent as the provisions repealed).

(3) Parts 1, 5 and 6 extend to England and Wales, but Part 5 applies in relation to England only.

(4) As regards article 3—

- (a) paragraph (a) extends to England and Wales and Scotland only; and
- (b) paragraphs (b) to (d) extend to England and Wales only.

(5) As regards Part 4—

- (a) subject to paragraph (6), articles 6 and 7 extend to England and Wales but apply in relation to England only;
- (b) paragraphs 1 and 2 of Schedule 1, together with article 8 in so far as it relates to those paragraphs, extend to England and Wales but apply in relation to England only;
- (c) paragraph 3 of Schedule 1, together with article 8 in so far as it relates to that paragraph, extend to England and Wales, Scotland and Northern Ireland, but apply in relation to England, Scotland and Northern Ireland only; and
- (d) article 9, together with Schedule 2, extend to England and Wales but apply in relation to England only.

(6) The extent of any amendment or repeal commenced by article 6 is the same as the extent of the enactment amended or repealed, but does not apply in relation to Wales.

(7) In this Order—

- (a) “the 1984 Act” means the Public Health (Control of Disease) Act 1984(1); and
- (b) “the 2008 Act” means the Health and Social Care Act 2008.

PART 1

Provisions relating to funding of expenditure in connection with the provision of pharmaceutical services

Appointed day for provisions relating to funding of expenditure in connection with the provision of pharmaceutical services

2. 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 140, in so far as it relates to Part 1 of Schedule 12;
- (b) section 166, in so far as it relates to the repeals mentioned in paragraph (d);
- (c) Part 1 of Schedule 12; and
- (d) the repeals included in Part 4 of Schedule 15 that relate to sections 228 to 230 of, and Schedule 14 to, the National Health Service Act 2006⁽²⁾.

PART 2

Provisions relating to responsible officers and the conduct and performance of medical practitioners and other health care workers

Appointed day for provisions relating to responsible officers and the conduct and performance of medical practitioners and other health care workers

3. 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 119 (except in so far as it relates to Northern Ireland);
- (b) section 120 (except in so far as it relates to Northern Ireland);
- (c) section 121; and
- (d) 122 (except in so far as it relates to Northern Ireland).

PART 3

Provisions relating to the dissolution of the Hearing Aid Council

Appointed day for provisions relating to the dissolution of the Hearing Aid Council

4.—(1) 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 123(2);
- (b) section 166, in so far as it relates to the provisions of Part 2 of Schedule 15 commenced by sub-paragraph (c); and
- (c) the entries in Part 2 of Schedule 15 relating to the 1968 Act, the Extension Act and the Amendment Act,

except in so far as relating to sections 1(1) and (7) and 12 of, and the Schedule to, the 1968 Act.

(2) 2006 c.41.

(2) 1st August 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 123(1);
- (b) section 123(2), in so far as not already in force;
- (c) section 166, in so far as it relates to the provisions of Part 2 of Schedule 15 commenced by sub-paragraph (d); and
- (d) the entries in Part 2 of Schedule 15 relating to—
 - (i) the 1968 Act, in so far as not already in force,
 - (ii) the Extension Act, in so far as not already in force,
 - (iii) the Supreme Court Act 1981(3),
 - (iv) the Amendment Act, in so far as not already in force,
 - (v) the Courts and Legal Services Act 1990(4),
 - (vi) the Value Added Tax Act 1994(5),
 - (vii) the Freedom of Information Act 2000(6),
 - (viii) the Income Tax (Earnings and Pensions) Act 2003(7), and
 - (ix) the Constitutional Reform Act 2005(8).

(3) In this article—

- (a) “the 1968 Act” means the Hearing Aid Council Act 1968(9);
- (b) “the Extension Act” means the Hearing Aid Council (Extension) Act 1975(10); and
- (c) “the Amendment Act” means the Hearing Aid Council (Amendment) Act 1989(11).

Amendment consequential on abolition of the Hearing Aid Council

5. Article 2 of the Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2004(12) is omitted.

PART 4

Provisions relating to public health protection

Appointed day for provisions relating to public health protection

6. 6th April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 129, in so far as not already in force;
- (b) section 130(1), except in so far as it relates to sections 13 to 15 and 76 of the 1984 Act ceasing to have effect;

(3) 1981 c. 54.
(4) 1990 c. 41.
(5) 1994 c. 23.
(6) 2000 c. 36.
(7) 2003 c. 1.
(8) 2005 c. 4.
(9) 1968 c. 50.
(10) 1975 c. 39.
(11) 1989 c. 12.
(12) S.I. 2004/1715.

- (c) section 130(2);
- (d) section 166, in so far as it relates to the provisions of Part 3 of Schedule 15 commenced by paragraph (f);
- (e) Schedule 11; and
- (f) Part 3 of Schedule 15, except in so far as it relates to the repeal of sections 13 to 15 and 76 of the 1984 Act.

Revocation in relation to public health protection

- 7. Regulations 12 and 13 of the Canal Boats Regulations 1878(13) are revoked.

Consequential amendments in relation to public health protection

- 8. The consequential amendments to enactments set out in Schedule 1 have effect.

Transitional and savings provisions in relation to public health protection

- 9. The transitional and savings provisions set out in Schedule 2 have effect.

Disapplication of section 121(4) of the Magistrates' Courts Act 1980

10. An application for an order under Part 2A of the 1984 Act(14) (public health protection) may be heard by a magistrates' court otherwise than in open court (and accordingly section 121(4) of the Magistrates' Courts Act 1980(15) (constitution and place of sitting of court) shall not apply to such an application).

PART 5

Provisions relating to ordinary residence for certain purposes of the National Assistance Act 1948 etc.

Appointed day for provisions relating to ordinary residence for certain purposes relating to social care

- 11. 19th April 2010 is the day appointed for the coming into force of section 148 of the 2008 Act.

Transitional provision relating to ordinary residence for certain purposes relating to social care

12.—(1) The amendments made to section 24 of the National Assistance Act 1948(16) (authority liable for provision of accommodation) by section 148(1) of the 2008 Act do not have effect in relation to a person for whom non-hospital NHS accommodation is being provided immediately before the appointed day, for as long as the provision of that accommodation continues.

(13) S.I. 20/3/1878.

(14) Inserted by the Health and Social Care Act 2008, section 129.

(15) 1980 c. 43; section 121(4) was amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 237(1) and (3). By virtue of section 67(1) of the Public Health (Control of Disease) Act 1984, read with the definition of "magistrates' court" in Schedule 1 to the Interpretation Act 1978 (c. 30), an application for an order under Part 2A of the 1984 Act is to be heard as a complaint.

(16) 1948 c.29; section 24 was amended by: the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part 1; the Housing (Homeless Persons) Act 1977 (c. 48), the Schedule; the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 5; S.I. 2000/90, Schedule 1, paragraph 2; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 3 and 4; and the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 5 and 7(a).

(2) For these purposes, “non-hospital NHS accommodation” is NHS accommodation that is elsewhere than at a hospital vested in—

- (a) the Secretary of State;
- (b) a Primary Care Trust;
- (c) a Local Health Board;
- (d) a National Health Service trust; or
- (e) an NHS foundation trust.

(3) The amendments made to section 2 of the Chronically Sick and Disabled Persons Act 1970(17) (provision of welfare services) by section 148(3) of the 2008 Act do not have effect in relation to a question arising under that section 2 as to a person’s ordinary residence in a case where, on the appointed day, that question is the subject of court proceedings.

(4) In this article—

“appointed day” means the day appointed under article 11; and

“NHS accommodation” has the meaning given by section 24(6A) of the National Assistance Act 1948(18).

PART 6

Provisions relating to Primary Care Trusts, standards of NHS care and the Care Quality Commission

Appointed day for provisions relating to Primary Care Trusts and standards of NHS care

13. 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 45;
- (b) section 95, in so far as it relates to the paragraphs of Schedule 5 listed in paragraph (e);
- (c) section 139;
- (d) section 166, in so far as it relates to the repeal in Schedule 15 commenced by paragraph (f);
- (e) paragraphs 37 and 38 of Schedule 5; and
- (f) Part 1 of Schedule 15 insofar as it relates to section 46 of the Health and Social Care (Community Health and Standards) Act 2003(19).

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

14. In the Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009(20)—

- (a) in article 13 (transitory provisions relating to the Health Protection Agency), for “31st March 2010” substitute “30th September 2010”; and

(17) 1970 c. 44; section 2 was amended by: the Local Authority Social Services Act 1970 (c. 42), Schedule 2, paragraph 12; the Local Government Act 1972 (c. 70), Schedule 30; and the National Health Service and Community Care Act 1990, Schedule 9, paragraph 12, and Schedule 10.

(18) Section 24(6A) is inserted by section 148(1) of the Health and Social Care Act 2008.

(19) 2003 c.43.

(20) S.I. 2009/462; there are amending instruments but none are relevant.

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- (b) in paragraph 1 of Schedule 2 (transitory provision in relation to functions of the CHAI and the CSCI under the 2000 Act), for “the date for the coming into force of the repeals of the 2000 Act relating to the provisions of that Act listed in paragraph 36(a) of Schedule 1” substitute “30th September 2010”.

Signed by authority of the Secretary of State for Health.

9th March 2010

Gillian Merron
Minister of State,
Department of Health