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STATUTORY INSTRUMENTS

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**2012 No. 1831**

**The Health and Social Care Act 2012 (Commencement No.2 and Transitional, Savings and Transitory Provisions) Order 2012**

**Saving provision and transitory modification in relation to the commencement of paragraph 1 of Schedule 4 to the Act (amendments of the 2006 Act)**

**10.**—(1) Notwithstanding the commencement in part of paragraph 1 of Schedule 4 to the Act (amendments of the 2006 Act) by article 2(2) the power of the Secretary of State under section 2 of the 2006 Act (Secretary of State’s general power) prior to any amendment made by that paragraph, is to continue until paragraph 1 of Schedule 4 comes fully into force.

(2) Until the commencement of section 34 of the Act (abolition of Primary Care Trusts)—

(a) the power of a clinical commissioning group under section 2 of the 2006 Act (general power) does not include the power to—

(i) enter into a commissioning contract, or any other contract,

(ii) acquire and dispose of property, or

(iii) accept gifts (including property to be held on trust for the purposes of the clinical commissioning group); and

(b) the power of the Board under section 2 of the 2006 Act does not include the power to enter into a commissioning contract.

(3) In this article “commissioning contract” means a contract entered into by the Board or (as the case may be) clinical commissioning groups in arranging for the provision of services as part of the health service.