
STATUTORY INSTRUMENTS

2013 No. 671

**The Health and Social Care Act 2012 (Commencement No. 5,
Transitional, Savings and Transitory Provisions) Order 2013**

Commencement of provisions

2.—(1) Insofar as they are not already in force⁽¹⁾, the following provisions of the 2012 Act are to come into force in accordance with this Order.

(2) Section 172(4) and (5)(b) (supplementary) come into force immediately before the coming into force of section 173 (repeal of de-authorisation provisions) in accordance with paragraph (3).

(3) 1st April 2013 is the day appointed for the coming into force of—

- section 66 (matters to have regard to in exercise of functions);
- section 67 (conflicts between functions);
- section 68 (duty to review regulatory burdens);
- section 69 (duty to carry out impact assessments);
- section 74 (competition functions: supplementary);
- section 81 (requirement for health service providers to be licensed), only insofar as it relates to NHS foundation trusts;
- section 82 (deemed breach of requirement to be licensed);
- sections 85 to 87 (application and criteria for, and grant of, licence), insofar as they relate to licences for NHS foundation trusts;
- section 88 (application and grant: NHS foundation trusts);
- section 89 (revocation of licence);
- section 90 (right to make representations), except subsection (1)(a);
- section 91 (notice of decisions), except subsection (1)(a);
- section 92 (appeals to the Tribunal), except subsection (1)(a);
- section 93 (register of licence holders);
- section 94 (standard conditions);
- section 95 (special conditions), except subsections (1)(b) and (6);
- section 97 (conditions: supplementary);
- section 98 (conditions relating to the continuation of the provision of services etc.);
- section 99 (notification of commissioners where continuation of services at risk);
- section 102 (modification of conditions by order under other enactments);
- section 103 (standard condition as to transparency of certain criteria), except insofar as it relates to Monitor's functions under section 100 and 101(7) of the 2012 Act;

⁽¹⁾ See section 306(1) of the Health and Social Care Act 2012 (c. 7) ("the 2012 Act") for the provisions which came into force on the day the 2012 Act was passed, and S.I. 2012/1319 (C. 47), 2012/1831 (C. 71), 2012/2657 (C. 107) and 2013/160 (C. 9) for provisions of the 2012 Act which came into force by Order on earlier dates.

- section 104(2)(b) and (4)(c) (power to require documents and information);
 - section 105(1)(b) and (c), (2)(b) and (c) and (3) (discretionary requirements);
 - section 106 (enforcement undertakings), except subsection (1)(a);
 - section 108 (guidance as to use of enforcement powers);
 - section 109 (publication of enforcement action);
 - section 110 (notification of enforcement action);
 - sections 111 to 114 (transitional provision);
 - section 148 (service of documents);
 - section 156(5) and (6) (annual report and forward plan);
 - section 159 (authorisation), except subsection (4);
 - section 163(2) and (7) to (9) (financial powers etc.);
 - section 164 (goods and services);
 - section 168 (mergers);
 - section 169 (acquisitions);
 - section 170 (separations);
 - section 171 (dissolution);
 - section 172 (supplementary);
 - section 173 (repeal of de-authorisation provisions);
 - section 289(4)(b) and (5), and section 289(1) insofar as it relates to those provisions (Care Quality Commission: duty to co-operate with Monitor); and
- in Schedule 11 (further provision about Monitor’s enforcement powers)—
- (a) paragraph 1,
 - (b) paragraph 2(1), (2) and (3)(a), (b), (d) and (e),
 - (c) paragraph 3, except sub-paragraph (2)(c),
 - (d) paragraph 4(a) and (c),
 - (e) paragraphs 5 and 6,
 - (f) paragraph 7(1) and (2)(b),
 - (g) paragraph 8(b), and
 - (h) paragraphs 9 to 14,
- and section 107 insofar as it relates to those paragraphs.
- (4) 1st July 2013 is the day appointed for the coming into force of—
- section 95;
 - section 96(1)(c) (limits on Monitor’s functions to set or modify licence conditions);
 - section 100 (modification of standard conditions);
 - section 101 (modification references to the Competition Commission);
 - section 103;
 - section 105(2)(a), (4) and (5); and
 - section 107 and Schedule 11.
- (5) Insofar as they relate to consultation under section 118 and 119 of the 2012 Act (consultation on proposals for the national tariff, and consultation: further provision) in relation to a tariff published

by Monitor under section 116 of the 2012 Act (the national tariff), 1st September 2013 is the day appointed for the coming into force of—

section 120 (responses to consultation) and Schedule 12 (procedure on references under section 120);

section 121 (determination on reference under section 120);

section 122 (changes following determination on reference under section 120); and

section 123 (power to veto changes proposed under section 122).