
WELSH STATUTORY INSTRUMENTS

2003 No. 713 (W.87) (C.36)

NATIONAL HEALTH SERVICE, WALES

**The Health and Social Care Act 2001
(Commencement No. 4) (Wales) Order 2003**

Made - - - - 12th March 2003

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 64(6) and 70(2) of the Health and Social Care Act 2001(1) hereby makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No. 4) (Wales) Order 2003.

(2) In this Order “the 2001 Act” (“*Deddf 2001*”) means the Health and Social Care Act 2001.

(3) This Order applies to Wales only.

Appointed day in respect of section 13 of the 2001 Act

2. 17th March 2003 is the appointed day for the coming into force of section 13 of the 2001 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

12th March 2003

John Marek
The Deputy Presiding Officer of the National
Assembly for Wales.

(1) 2001 c. 15. The “relevant authority” is defined in section 66 of the Act.
(2) 1998 c. 38.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order appoints 17th March 2003 as the day on which section 13 of the 2001 Act is to come into force in relation to Wales. Section 13 of the Act relates to intervention orders and inserts new sections 84A and B into the National Health Service Act 1977.

Section 13, when commenced, will enable the Assembly to intervene in specified categories of NHS body where it has concerns about the management of that body, its ability to perform its functions adequately or where there has been a catastrophic event.

Section 84A will enable the Assembly to make an intervention order where a NHS body to which the section applies is not performing one or more of its functions adequately or at all, or where there are significant failings in the way the body is being run. Before making an intervention order the Assembly will have to be satisfied that it is appropriate for it to do so.

Section 84B sets out the effect of an intervention order and the various forms the intervention may take. An intervention order may provide for the removal or suspension of members of the NHS body in question and for new individuals to be appointed in their place; can require a NHS body to make arrangements for some other person or body to perform that body's functions; can disapply or modify any legislative provision relating to the membership or procedure of the body subject to intervention, and can include directions to give full effect to an intervention.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Health and Social Care Act 2001 have been brought into force in relation to Wales by commencement order made before the date of this Order:

Provision	Date of Commencement	S.I. No.
Section 3	1st July 2002 (partially)	2002/1475
Section 5	1st July 2002	2002/1475
Section 11	1st December 2002	2002/1475
Section 16	26th August 2002	2002/1919
Section 19	1st July 2002	2002/1475
Section 20	1st July 2002	2002/1475
Section 21	1st July 2002	2002/1475
Section 22	1st July 2002	2002/1475
Section 23	1st July 2002	2002/1475
Section 24	1st July 2002	2002/1475
Section 25	1st July 2002	2002/1475
Section 26	1st July 2002	2002/1475
Section 27	26th August 2002	2002/1919
Section 28	1st July 2002	2002/1475

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Provision	Date of Commencement	S.I. No.
Section 29	1st July 2002	2002/1475
Section 30	1st July 2002	2002/1475
Section 31	1st July 2002	2002/1475
Section 32	1st July 2002	2002/1475
Section 33	1st July 2002	2002/1475
Section 34	1st July 2002	2002/1475
Section 35	1st July 2002	2002/1475
Section 36	1st July 2002	2002/1475
Section 37	1st July 2002	2002/1475
Section 38	1st July 2002	2002/1475
Section 39	1st July 2002	2002/1475
Section 41	1st July 2002	2002/1475
Section 42	1st July 2002	2002/1475
Section 43	1st July 2002	2002/1475
Section 49	3rd December 2001 (partially)	2001/3807
Section 50	8th April 2002 (partially) 19th December 2001 (remainder)	2001/3752 and 2001/3807
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 67	1st July 2002 (partially)	2002/1475
Schedule 2	1st July 2002	2002/1475
Schedule 3	1st July 2002	2002/1475
Schedule 5	1st July 2002 (partially)	2002/1475
Schedule 6	1st July 2002 (partially)	2002/1475

Various provisions of the 2001 Act have been brought into force in relation to England by the following Statutory Instruments: [S.I. 2001/2804 \(c. 95\)](#), [S.I. 2001/3167 \(c.101\)](#), [S.I.2001/3294 \(c.107\)](#), [S.I. 2001/3619 \(c.117\)](#), [S.I. 2001/3752 \(c.122\)](#), [S.I. 2001/3738 \(c.121\)](#), [S.I. 2001/4149 \(c.133\)](#), [S.I. 2002/1095 \(c. 26\)](#)(as amended by [S.I. 2002/ 1170 \(c. 30\)](#)), [S.I. 2002/1312 \(c. 36\)](#) and [S.I. 2002/2363 \(c. 77\)](#).