

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Functions of Health Protection Agency in relation to biological substances

Part 6 – General

Section 172: Consultation in relation to commencement

557. **Section 172** makes provision requiring the appropriate authority for the purposes of making commencement orders under section 170 to consult others before making orders commencing certain provisions of the Act.
558. The Secretary of State must consult the Scottish Ministers before making a commencement order relating to:
- section 111 and Schedule 8 (extension of powers under section 60 of the Health Act 1999) so far as relating to-
 - subsection (2A) of section 60 of the Health Act 1999,
 - the repeal of paragraph 7(3) of Schedule 3 to that Act,
 - the amendments of paragraphs 8 and 9 of Schedule 3 to that Act, so far as relating to a profession that is not a reserved profession for Scotland,
 - the meaning of “enactment” for the purposes of Schedule 3 to that Act;
 - section 112 (standard of proof in fitness to practise proceedings) in relation to a profession that is not a reserved profession for Scotland; or
 - section 116 (powers of Secretary of State and devolved administrations), so far as relating to the functions of the Scottish Ministers.
559. Before making a commencement order relating to section 148 (ordinary residence for the purposes of the National Assistance Act 1948 etc.) in relation to England, the Secretary of State must consult the Welsh Ministers; and before making a commencement order relating to that section in relation to Wales, the Welsh Ministers must consult the Secretary of State. The Secretary of State must also consult the Welsh Ministers before making a commencement order in relation to the amendments to the powers of the Welsh Ministers under the Care Standards Act 2000 (see notes on section 95 and Schedule 5 above).
560. Before making a commencement order relating to section 159 (functions of Health Protection Agency in relation to biological substances), or Part 7 (abolition of NBSB) of Schedule 15 (or section 166 so far as relating to that Part of that Schedule), the Secretary of State must consult DHSSPSNI.