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STATUTORY INSTRUMENTS

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**2000 No. 1041 (C. 28)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health Act 1999 (Commencement No. 9) Order 2000**

*Made* - - - - *30th March 2000*

The Secretary of State for Health, in exercise of the powers conferred on him by section 67(1) and (2) of the Health Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, interpretation and extent**

- 1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 9) Order 2000.
- (2) In this Order, “the Act” means the Health Act 1999.
- (3) This Order extends only to England and Wales.

**Appointed day**

2. 1st April 2000 is the day appointed for the coming into force of—
  - (a) section 9 of the Act, to the extent that a day on which the provision is to come into force has not been appointed by the Health Act 1999 (Commencement No. 5) Order 1999(2);
  - (b) section 21 of the Act, in so far as it is not already in force;
  - (c) section 65(2) of the Act, in so far as it relates to the provisions of Schedule 5 to the Act specified in paragraph (d) of this article; and
  - (d) in Schedule 5 to the Act (repeals), the repeals relating to the provisions specified in column (1) of the Schedule to this Order, to the extent specified in column (2) of that Schedule.

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(1) 1999 c. 8. The power of the Secretary of State under section 67 of the Act to appoint a day for the coming into force of the provisions brought into force by this Order in relation to Wales is not exercisable by the National Assembly for Wales (*see* section 66(2) of the Act).

(2) 1999/2793 (C. 69); the Order provides that section 9 of the Act is to come into force on 1st April 2000 in England only.

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Signed by authority of the Secretary of State for Health

30th March 2000

*Hunt*  
Parliamentary Under-Secretary of State,  
Department of Health

## SCHEDULE

Article 2(d)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2000

Column (1) <i>Provisions to which repeals in Schedule 5 relate</i>	Column (2) <i>Extent to which repeal is to come into force</i>
The National Health Service Act 1977 <sup>(3)</sup> — sections 8(4), 13, 27(3), 44(1)(a) and (b), 45(2), 65(3), 86(b), 96A(5)(b), 97(7), 97A(5) and 99(3)  section 15(1B) to (1D)  section 28E(4), 98(2B) and 128(1)  in Schedule 5, paragraph 10(3)	Fully    In relation to “fund-holding practices”, in so far as not already in force  In so far as not already in force  Fully
The Hospital Complaints Procedure Act 1985 <sup>(4)</sup> — section 1(1) and (1A)	Fully
The National Health Service and Community Care Act 1990 <sup>(5)</sup> — sections 4, 14 to 17, 18(2) and 20(2)(b)  sections 5(1), 8(1) and 9(5) and (6)  in Schedule 2, paragraphs 6, 19 and 20  in Schedule 3, paragraphs 1(3) to (5), 3(3) and 5(2)	In so far as not already in force  Fully  Fully  Fully
The Health Service Commissioners Act 1993 <sup>(6)</sup> — sections 3(1B) and 19  section 15	In so far as not already in force  Fully
The Health Authorities Act 1995 <sup>(7)</sup> — in Schedule 1, paragraphs 4, 6(c) and (d), 50(c), 58(b), 73 to 76 and 85(d)  in Schedule 2, paragraph 13(5)	In so far as not already in force   In so far as not already in force
The Health Service Commissioners (Amendment) Act 1996 <sup>(8)</sup> — in Schedule 1, paragraph 6(2) and (7)	In so far as not already in force
The National Health Service (Primary Care) Act 1997 <sup>(9)</sup> — sections 14 and 19	In so far as not already in force

<sup>(3)</sup> 1977 c. 49.<sup>(4)</sup> 1985 c. 42.<sup>(5)</sup> 1990 c. 19.<sup>(6)</sup> 1993 c. 46.<sup>(7)</sup> 1995 c. 17.<sup>(8)</sup> 1996 c. 5.<sup>(9)</sup> 1997 c. 46.

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Column (1) <i>Provisions to which repeals in Schedule 5 relate</i>	Column (2) <i>Extent to which repeal is to come into force</i>
in Schedule 2, paragraph 4(3) and (4)	In relation to “fund-holding practices”, in so far as not already in force
in Schedule 2, paragraph 65(3) to (7)	In so far as not already in force
The Audit Commission Act 1998(10)— sections 6(3), 53(1) and (3)	In so far as not already in force
in Schedule 2, paragraph 3	In so far as not already in force

### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st April 2000 further provisions of the Health Act 1999. In particular it brings into force, in relation to Wales, sections 9 and 21 of the Act (indemnity cover for Part II services and arrangements with the Audit Commission) and, in relation to England and Wales, various repeals in Schedule 5 to the Act which are consequential upon provisions of the Act brought into force by earlier commencement orders.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Health Act 1999 have been, or are to be, brought into force by commencement order made before the date of this Order. In addition to the provisions listed below, various provisions of Part II of, and Schedule 4 and 5 to, the Act that extend only to Scotland have been brought into force on 1st October 1999 by the [Health Act 1999 \(Commencement No. 4\) \(Scotland\) Order 1999, S.S.I. 1999/90 \(C. 66\)](#), on 14th October 1999 by the [Health Act 1999 \(Commencement No. 6\) \(Scotland\) Order 1999, S.S.I. 1999 No. 115 \(C. 73\)](#) and on 1st March 2000 by the [Health Act 1999 \(Commencement No. 7\) \(Scotland\) Order 2000, S.S.I. 2000 No. 38 \(C. 2\)](#).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s. 1 as to England	1.10.99	1999/2540
as to Wales	1.4.00	2000/1026
s.2 as to England (partially)	8.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s. 3 as to England	1.4.00	1999/2342

(10) 1998 c. 18.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s. 4 as to England		
(partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
s. 5 as to England (partially)	4.1.00	1999/2342
s. 6(1) as to England	4.1.00	1999/2342
s. 7 as to England	4.1.00	1999/2342
s. 8 as to England	1.9.99	1999/2342
s. 9 as to England	1.4.00	1999/2793
s. 11 as to England	1.9.99	1999/2342
as to Wales	1.4.00	2000/1026
s. 12 as to England		
(partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
as to Wales (partially)	1.12.99	1999/3184
ss. 13 and 14 as to England	1.10.99	1999/2540
as to Wales	1.11.99	1999/3184
ss. 15 to 17 as to England	1.9.99	1999/2342
as to Wales	1.11.99	1999/3184
s. 18 as to England		
(partially)	1.11.99	1999/2793
(remainder)	4.1.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s. 19	1.11.99	1999/2793
s. 20 as to England and Wales (partially)	1.11.99	1999/2793
as to England (remainder)	4.1.00	1999/2793
s. 21 as to England	4.1.00	1999/2793
ss. 23 to 25	1.11.99	1999/2793
ss. 26 to 27 as to England	1.4.00	1999/2793
s. 28 as to England	1.4.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s. 29 as to England		
(partially)	1.11.99	1999/2793
(remainder)	1.4.00	1999/2793
ss. 30 to 32 as to England	1.4.00	1999/2793

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s. 33(1) to (6) (partially)	1.9.99	1999/2177
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s. 36 (partially)	3.8.99	1999/2177
s. 37 (partially)	3.8.99	1999/2177
s. 37(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177
s. 39 as to England	1.11.99	1999/2793
s. 41	1.4.00	1999/2793
ss. 42 to 44	1.10.99	1999/2540
s. 60 (partially)	15.3.00	2000/779
s. 62	3.8.99	1999/2177
s. 63	3.8.99	1999/2177
s. 64	3.8.99	1999/2177
Schedule 1		
as to England (partially)	8.9.99	1999/2342
as to England (partially)	4.1.00	1999/2342
as to England (remainder)	1.4.00	1999/2342
Schedule 2	1.11.99	1999/2793
Schedule 4 (and s. 65(1) in so far as it relates to the paragraphs specified below)—		
paragraphs 4 (partially), 6, 9 (partially), 12(1) (partially), 12(3)(b), 24, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 37(5) and (6), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1), 83(4), 84, 88(1) (partially) and 88(5) as to England	1.9.99	1999/2342
paragraphs 8 (partially), 15, 27(a) (partially), 71 (partially), 83(1) (partially), 83(6), 85(1) (partially), 85(3) and (4), 88(1)	1.10.99	1999/2540

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
(partially), 88(6) and 90 as to England		
paragraphs 4 (partially), 14(1), (3) and (4) (partially), 14(2) and paragraph 36 as to England	1.11.99	<a href="#">1999/2793</a>
paragraphs 74 (partially), 76(a) (ii), 81(1) (partially) and 81(2) (b) as to England and Wales	1.11.99	<a href="#">1999/2793</a>
paragraphs 4 (partially), 37(1) (partially), 37(5) and (6), 79(1) (partially) and 79(2)(a) and (c) as to Wales	1.11.99	<a href="#">1999/3184</a>
paragraphs 4 (partially), 5, 6, 9 (partially), 12(1) (partially), 12(3)(b), 15, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1) (partially), 83(4), 88(1) (partially) and 88(5) as to Wales	1.12.99	<a href="#">1999/3184</a>
paragraphs 1, 3, 4, (partially), 5, 7, 9 (remainder), 10, 11, 12 (remainder), 13, 23, 25, 27(a) (remainder), 28, 29, 30 (remainder), 34 (remainder), 37 (remainder), 38(1) (partially), 38(2)(a) and (c), 38(3) (remainder), 40, 71 (remainder), 74 (partially), 77 to 79, 81 (except (2)(b)), 83(1) to (5) (remainder), 87, 88(1) to (5) (remainder) and 89 as to England	4.1.00	<a href="#">1999/2342</a>
paragraphs 74 (partially), 76(a) (i), 85(1) (partially) and 85(2) (a) as to England and Wales	4.1.00	<a href="#">1999/2342</a>
paragraphs 4 (partially) and 16 as to England	4.1.00	<a href="#">1999/2540</a>
paragraphs 4 (partially), 31 (remainder), 33 and 35 as to England	1.4.00	<a href="#">1999/2342</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
paragraphs 4 (partially), 14 (remainder) and 72 as to England	1.4.00	1999/2793
paragraphs 73, 74 (partially), 82 and 86 as to England and Wales	1.4.00	1999/2342
paragraphs 4 (partially), 27(b), 38(1) (partially), 38(2)(b) and (d) and 65 to 69 as to England and Wales	1.4.00	1999/2793
paragraphs 4 (partially), 8 (partially), 24, 27(a) (partially), 71(a) and (b), 74 (partially), 83(6), 84, 85(4) and 90 as to Wales	1.4.00	2000/1026
Schedule 5 (and s. 65(2))—		
as to England (partially)	1.10.99	1999/2450
as to England (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.4.00	1999/2793
as to the United Kingdom (partially)	1.11.99	1999/2793