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STATUTORY INSTRUMENTS

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**2003 No. 53 (C. 3)**

**NATIONAL HEALTH SERVICE, ENGLAND**

**The Health and Social Care Act 2001  
(Commencement No. 11) (England) Order 2002**

*Made - - - - 30th December 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him 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. 11) (England) Order 2002.

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

(3) This Order applies to England only.

**Appointed day for provisions relating to local pharmaceutical services**

2. 1st January 2003 is the day appointed for the coming into force of—

(a) paragraphs 1, 4, 5(17), 7, 9(2), 11(2)(a) and 14 of Schedule 5 to the Act;

(b) section 67(1) of the Act, in so far as it relates to those paragraphs; and

(c) paragraphs 5(1) and 11(1) of Schedule 5 to the Act, in so far as they relate to paragraphs 5(17) and 11(2)(a) respectively of that Schedule.

**Appointed day for provisions relating to local authority scrutiny of health service provision and public involvement and consultation**

3. 1st January 2003 is the day appointed for the coming into force of—

(a) sections 7 to 11(3) of the Act;

(b) Schedule 1(4) to the Act; and

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(1) 2001 c. 15. See section 66 of the Act for the definition of “relevant authority”, which is relevant to the powers being exercised in the making of this Order.

(2) Paragraph 9 of Schedule 5 to the Act was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17) (“the 2002 Act”), Schedule 2, paragraph 82.

(3) Section 7 of the Act was amended by the 2002 Act, section 21 and Schedule 1, paragraph 55(2); and section 11 of the Act was amended by the 2002 Act, Schedule 8, paragraph 35.

(4) Schedule 1 to the Act was amended by the 2002 Act, Schedule 2, paragraph 79, and Schedule 3, paragraph 17.

- (c) paragraph 13 of Schedule 5 to the Act, and section 67(1) of the Act in so far as it relates to that paragraph.

**Appointed day for provisions relating to pharmaceutical services**

4. 1st February 2003 is the day appointed for the coming into force of—
- (a) subsection (6) of section 20(5) of the Act, and subsection (1) of that section in so far as it relates to subsection (6);
  - (b) section 25 of the Act, in so far as that section is not already in force(6);
  - (c) section 67(2) of the Act, in so far as it relates to the entry in Schedule 6 to the Act repealing the “and” at the end of section 42(3)(d) of the National Health Service Act 1977(7); and
  - (d) sub-paragraph (14) of paragraph 5 of Schedule 5 to the Act, in so far as that sub-paragraph is not already in force(8), and section 67(1) of, and paragraph 5(1) of Schedule 5 to, the Act, in so far as they relate to that sub-paragraph.

Signed by authority of the Secretary of State for Health

*David Lammy*  
Parliamentary Under Secretary of State for  
Health  
Department of Health

30th December 2002

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(5) Section 20(6) was amended by S.I. 2002/2469, Schedule 1, Part 1, paragraph 30.

(6) See S.I. 2001/3738.

(7) 1977 c. 49. Section 42(3)(d) was amended by the National Health Service and Community Care Act 1990 (c. 19), section 12(3)(a), and by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, paragraph 30.

(8) See S.I. 2001/3738.

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## EXPLANATORY NOTE

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

This Order is the 11th Commencement Order made under the Health and Social Care Act 2001 (“the Act”), and applies to England only.

Article 2 brings into force, on 1st January 2003, certain provisions in connection with the introduction of pilot schemes for the provision of local pharmaceutical services under section 28 of the Act.

Article 3 brings into force, on 1st January 2003, sections 7 to 11 of the Act (overview and scrutiny committees, and public involvement and consultation), Schedule 1 to the Act (exempt information relating to health services), and paragraph 13 of Schedule 5 to the Act, which relates to the power to make regulations in respect of review and scrutiny committees.

Article 4 brings into force, on 1st February 2003, section 20(6) of the Act, which amends section 42 of the National Health Service Act 1977 concerning the provision of pharmaceutical services under Part II of that Act. It also brings fully into force section 25 of the Act, which had not hitherto been brought into force in relation to the provision of pharmaceutical services. Finally it brings into force as respects pharmaceutical services paragraph 5(14) of Schedule 5 to the Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Health and Social Care Act 2001 listed in the table below have been brought into force in England by Commencement Orders made before the date of this Order. Certain provisions of Commencement Orders [S.I. 2001/3752](#), [2002/1095](#), [1170](#) and [1312](#) have effect in Northern Ireland, Scotland and Wales. The following Commencement Orders have been made in relation to Wales: [S.I. 2001/3807](#), [2002/1475](#) and [1919](#).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	22nd October 2001	<a href="#">2001/3619</a>
Section 2 (partially)	30th September 2002	<a href="#">2002/2363</a>
Section 3	1st August 2001	<a href="#">2001/2804</a>
Section 4	1st August 2001	<a href="#">2001/2804</a>
Section 5	12th September 2002	<a href="#">2002/2363</a>
Section 6	1st October 2001	<a href="#">2001/3294</a>
Section 13	1st August 2001	<a href="#">2001/2804</a>
Section 14	1st April 2002	<a href="#">2002/1095</a>
Section 15 (partially)	8th March 2002	<a href="#">2002/1095</a>
Section 15	1st April 2002	<a href="#">2002/1095</a>
Section 16	Day referred to in article 2(4) and (5) of <a href="#">2001/3738</a>	<a href="#">2001/3738</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 17	14th December 2001	2001/3738
Section 18	12th September 2002	2002/2363
Section 19	1st April 2002	2002/1095
Section 20(1) to (5) (partially)	22nd November 2001	2001/3738
Section 20(1) to (5)	14th December 2001	2001/3738
Section 21	22nd November 2001	2001/3738
Section 22	22nd November 2001	2001/3738
Section 24	22nd November 2001	2001/3738
Section 25 (partially)	22nd November 2001	2001/3738
Section 25 (partially)	14th December 2001	2001/3738
Section 26(2)	31st May 2002	2002/1095
Section 27 (partially)	1st October 2001	2001/3294
Section 27 (partially)	1st December 2001	2001/3294
Section 28	8th March 2002	2002/1095
Section 29 and Schedule 2	8th March 2002	2002/1095
Section 30	8th March 2002	2002/1095
Section 31	8th March 2002	2002/1095
Section 32	8th March 2002	2002/1095
Section 33	8th March 2002	2002/1095
Section 34	8th March 2002	2002/1095
Section 35	8th March 2002	2002/1095
Section 36	8th March 2002	2002/1095
Section 37	8th March 2002	2002/1095
Section 38	8th March 2002	2002/1095
Section 39	8th March 2002	2002/1095
Section 41	8th March 2002	2002/1095
Section 42 (partially)	8th March 2002	2002/1095
Section 42	1st April 2002	2002/1095
Section 43	1st April 2002	2002/1095
Section 45	19th December 2001	2001/4149
Section 46	1st August 2001	2001/2804
Section 47 (partially)	1st August 2001	2001/2804
Section 47(5), (6)	19th December 2001	2001/4149
Section 48, Schedule 4	1st August 2001	2001/2804

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 49 (partially)	1st October 2001	2001/3294
Section 50(1)	8th April 2002	2001/3752
Section 50(2) to (7), (8), (10)	20th December 2001	2001/3752
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 53	1st October 2001	2001/3167
Section 54	1st October 2001	2001/3167
Section 55 (partially)	1st October 2001	2001/3167
Section 62	15th April 2002	2002/1312
Section 63 (partially)	6th March 2002	2002/1095
Section 63	1st April 2002	2002/1095
Section 67(1) (partially), Schedule 5, paragraphs 3, 5(10)(b), 13(a), (b), (d) (partially), and 10 (partially)	1st October 2001	2001/3294
Section 67(1) (partially), Schedule 5, paragraphs 5 (partially), and 15 (partially)	22nd October 2001	2001/3619
Section 67(1), Schedule 5, paragraphs 3, 5(10)(b), 13(a), (b), (d) and 10 (partially)	1st December 2001	2001/3294
Section 67(1) (partially), Schedule 5, paragraph 5(4) and (14) (partially)	22nd November 2001	2001/3738
Section 67(1)(partially), Schedule 5, paragraphs 5(4) and (14) (partially) and 12(1) and (2)	14th December 2001	2001/3738
Section 67(1)(partially), Schedule 5, paragraphs 2, 5(2), (5), (6), (7)(a) and (b), 7(c), (9), (10)(a) and 11(3)	1st April 2002	2002/1095
Section 67(1) (partially), Schedule 5, paragraphs 5(8) and (16)	Day referred to in article 2(4) and (5) of <a href="#">S.I. 2001/3738</a>	2001/3738
Section 67(2) (partially), Schedule 6 (partially)	14th December 2001	2001/3738
Section 67(2) (partially), Schedule 6 (partially)	14th December 2001	2001/3738
Section 67(2) (partially) Schedule 6 (partially)	15th April 2002	2002/1312

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