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STATUTORY INSTRUMENTS

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**2005 No. 38 (C.1)**

**CHILDREN AND YOUNG PERSONS, ENGLAND  
NATIONAL HEALTH SERVICE, ENGLAND**

**The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 5) Order 2005**

*Made - - - - 11th January 2005*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 195(1)(b) and 199(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>, hereby makes the following Order:—

**Citation**

**1.**—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 5) Order 2005.

(2) In this Order—

- (a) “the Act” means the Health and Social Care (Community Health and Standards) Act 2003; and
- (b) “the 2000 Act” means the Freedom of Information Act 2000<sup>(2)</sup>.

(3) This Order applies to England only.

**Appointed day**

**2.** 17th January 2005 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 117(1) for the purpose only of the exercise of the power to make regulations;
- (b) section 117(2);
- (c) paragraph 68 of Schedule 11, and section 184 in so far as it relates to that provision; and
- (d) Part 4 of Schedule 14 in so far as it relates to—
  - (i) paragraph 44 of Schedule 1 to the 2000 Act, and

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(1) 2003 c. 43; see section 199(2) for the definition of the appropriate authority in relation to Commencement Orders.  
(2) 2000 c. 36.

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(ii) paragraph 45 of Schedule 1 to the 2000 Act in so far as that paragraph relates to personal medical services,  
and section 196 in so far as it relates to those provisions.

**Transitional provisions applying in respect of the 2000 Act until the coming into force of section 172(1) of the Act**

3. Until the coming into force of section 172(1) of the Act in relation to general dental services contracts, the following transitional provisions shall apply in respect of Schedule 1 to the 2000 Act—

- (a) paragraph 43A shall be read as if the words “or primary dental services” and “section 28K or” were omitted; and
- (b) paragraph 44 of Schedule 1 shall be read as if the words “general dental services,” were inserted before the words “general ophthalmic”.

Signed by authority of the Secretary of State for Health

11th January 2005

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of Health

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## EXPLANATORY NOTE

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

This Order is the fifth commencement order under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”).

Article 2 commences the following provisions of the Act with effect from 17th January 2005—

- section 117(1), for the purpose only of making regulations;
- section 117(2); and
- consequential amendments and repeals to the Freedom of Information Act 2000 relating to information about the provision of primary and general medical services and, subject to article 3, dental services.

Article 3 makes transitional provision in respect of the Freedom of Information Act 2000, which will apply until the commencement of provisions in the Act relating to primary and general dental services.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Health and Social Care (Community Health and Standards) Act 2003 listed in the table below have been brought into force by a commencement order made before the date of this Order. Except where indicated, the provision has been commenced in relation to England and Wales.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1.4.2004	<a href="#">2004/759</a>
Sections 2 to 4	1.1.2004	<a href="#">2003/3346</a>
Sections 5 to 20	1.4.2004	<a href="#">2004/759</a>
Sections 22 to 35	1.4.2004	<a href="#">2004/759</a>
Section 36	1.1.2004	<a href="#">2003/3346</a>
Sections 37 to 39	1.4.2004	<a href="#">2004/759</a>
Section 40	1.1.2004	<a href="#">2003/3346</a>
Section 41	8.1.2004	<a href="#">2003/3346</a>
Section 42	1.1.2004	<a href="#">2003/3346</a>
Section 43	11.3.2004	<a href="#">2004/759</a>
Sections 44 to 46	1.4.2004	<a href="#">2004/759</a>
Sections 48 and 49	1.4.2004	<a href="#">2004/759</a>
Section 50(1)	1.4.2004 (partially) and 1.4.2006 (remainder)	<a href="#">2004/759</a>
Section 50(2) and (3)	1.4.2005	<a href="#">2004/759</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 50(4)	1.4.2006	2004/759
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3), (5) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2005	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2004	2004/759
Section 52(5)	1.4.2005	2004/759
Section 53	1.4.2004 (remainder)	2004/759
Sections 54 to 56	1.4.2004	2004/759
Section 57	1.4.2004 (remainder)	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 76 to 84	1.4.2004	2004/759
Sections 87 to 91	1.4.2004	2004/759
Sections 102 to 104	1.4.2004	2004/759
Section 106	1.4.2004	2004/759
Section 108	1.4.2004	2004/759
Sections 110 and 111	1.4.2004	2004/759
Section 112	11.3.2004	2004/759
Sections 118 and 119	1.6.2004	2004/759
Sections 120 and 121	1.4.2004	2004/759
Sections 123 to 141	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England	1.1.2004 (partially)	2003/3346
Section 147	8.1.2004 (partially)	2003/3346
Section 147	11.3.2004 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to England	1.3.2004 (partially) and 1.4.2004 (remainder)	2004/288 as amended by 2004/866
Section 175(1) as to England	3.2.2004 (partially)	2004/288
Section 175(1)	1.3.2004	2004/288
Section 175 as to England	1.4.2004 (remainder)	2004/288
Section 176 as to England	3.2.2004	2004/288

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 177(1) and (2) as to England	3.2.2004 (partially) and 1.3.2004 (partially)	2004/288
Section 177(3) to (11) as to England	1.3.2004 (partially)	2004/288
Section 177(12) as to England	1.4.2004 (partially)	2004/288
Section 178 as to England	1.4.2004 (partially)	2004/288
Section 179(1) as to England	3.2.2004 (partially)	2004/288
Section 179(2) as to England	3.2.2004	2004/288
Section 180 as to England	1.3.2004 (partially)	2004/288
Section 184 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 187	19.10.04	2004/2626
Section 188	19.10.04	2004/2626
Section 189(1)	1.4.2004	2004/759
Section 196 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 196	1.4.2004 (partially)	2004/759
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2004/759
Schedule 6	8.1.2004	2003/3346
Schedule 7	1.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		
Paragraph 1	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	1.4.2004	2004/759
Paragraphs 3 and 5 to 8	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	1.6.2004	2004/759
Paragraph 10	1.4.2004	2004/759
Paragraph 11	1.6.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraph 14	1.4.2004	2004/759
Paragraph 16	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraphs 17 to 22	1.4.2004	2004/759
Paragraph 23(a)	1.4.2004	2004/759
Paragraph 23(b)	11.3.2004 (partially)	2004/759
Paragraphs 24 to 26	1.4.2004	2004/759
Paragraph 27	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 28 to 30	1.4.2004	2004/759
Paragraph 31	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 32	1.4.2004	2004/759
Schedule 11		
Paragraph 1 as to England	1.4.2004	2004/288
Paragraph 2 as to England	1.4.2004 (partially)	2004/288
Paragraph 3(1), (2)(a) and (3) to (5) as to England	1.4.2004 (partially)	2004/288
Paragraphs 4 to 6 as to England	1.4.2004	2004/288
Paragraph 7 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 9 as to England	1.4.2004	2004/288
Paragraphs 12 and 13 as to England	1.4.2004	2004/288
Paragraphs 14 to 17 as to England	1.3.2004 (partially)	2004/288
Paragraph 20 as to England	1.4.2004 (partially)	2004/288
Paragraph 21(1) and (3) as to England	1.4.2004 (partially)	2004/288
Paragraph 22 as to England	1.4.2004 (partially)	2004/288
Paragraph 23 as to England	3.2.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 24(a) as to England	1.4.2004	2004/288
Paragraph 25 as to England	1.4.2004	2004/288
Paragraph 26 as to England	11.3.2004 (partially)	2004/759
Paragraph 26 as to England	1.4.2004 (remainder)	2004/288
Paragraph 27 as to England	1.4.2004	2004/288
Paragraph 36(a) as to England	1.4.2004	2004/288
Paragraph 37 as to England	1.4.2004	2004/288

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 38 as to England	3.2.2004	2004/288
Paragraph 39 as to England	3.2.2004 (partially)	2004/288
Paragraphs 42 to 44 as to England	1.4.2004	2004/288
Paragraphs 45 and 46 as to England	1.4.2004 (partially)	2004/288
Paragraphs 47 to 49 as to England	1.4.2004	2004/288
Paragraphs 51 and 52 as to England	1.4.2004	2004/288
Paragraph 53 as to England	1.4.2004 (partially)	2004/288
Paragraphs 55 to 59 as to England	1.4.2004	2004/288
Paragraph 60 as to England	1.4.2004 (partially)	2004/288
Paragraphs 62 and 63 as to England	1.4.2004	2004/288
Paragraphs 65 and 67(a) as to England	1.4.2004	2004/288
Paragraph 69 as to England	1.4.2004 (partially)	2004/288
Paragraphs 70, 71, 73 and 74 as to England	1.4.2004	2004/288
Schedule 12	19.10.04	2004/2626
Schedule 14 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Schedule 14	1.4.2004 (partially)	2004/759