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WELSH STATUTORY INSTRUMENTS

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**2006 No. 345 (W.42) (C.8)**

**NATIONAL HEALTH SERVICE, WALES**

The Health and Social Care (Community Health and Standards)  
Act 2003 Commencement (Wales) (No. 4) Order 2006

Made - - - - 14 February 2006

The National Assembly for Wales, in exercise of the powers conferred by section 195(1) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>, makes the following Order:

**Title, commencement, interpretation and application**

1.—(1) The title of this Order is the Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 4) Order 2006.

(2) In this Order—

“the Act” means the Health and Social Care (Community Health and Standards) Act 2003; and

“the 1977 Act” means the National Health Service Act 1977<sup>(2)</sup>.

(3) This Order applies in relation to Wales.

**Appointed days for provisions relating to primary dental services**

2.—(1) 15 February 2006 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 179(1) in so far as it is not in force;

(b) in Schedule 11, paragraph 39 in so far as it inserts the definition of “primary dental services” into section 128(1) of the 1977 Act, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph;

(c) section 170 in so far as it relates to the insertion of section 16CA(2) and (4) into the 1977 Act;

(d) for the purposes of making regulations, section 171(1) in so far as it inserts section 16CB(2) into the 1977 Act; and

(e) section 180 in so far as it is not already in force.

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(1) 2003 c. 43. See section 199(2) for the definition of the appropriate appointing authority in relation to commencement orders.

(2) 1977 c. 49.

(2) 1 April 2006 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 170 in so far as it is not already in force;
- (b) section 171(1) in so far as it relates to the insertion of section 16CB(2), (3) and (5) into the 1977 Act, and in so far as it is not already in force; and
- (c) section 171(2).

#### **Appointed days for provisions relating to general dental services contracts**

**3.—**(1) 15 February 2006 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 172(1);
- (b) section 173 in so far as it is not already in force;
- (c) section 182(2); and
- (d) paragraph 39 of Schedule 11 in so far as it is not already in force, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph.

(2) 1 April 2006 is the day appointed for the coming into force of section 172(2) of the Act.

#### **Appointed days in relation to section 28C arrangements**

**4.—**(1) 15 February 2006 is the day appointed for the coming into force of the following provisions of the Act in so far as they relate to dental services—

- (a) section 177(1) to (11);
- (b) paragraphs 14 and 15 of Schedule 11, and section 184 and paragraph 7 of that Schedule in so far as they relate to those paragraphs; and
- (c) the entries in Schedule 14 relating to sections 28C(3)(b) and (7), 28D(2), 28DA, 28E(2)(b) and the words following that paragraph, and 28E(3)(k) and (6) of the 1977 Act and section 196 in so far as it relates to those entries.

(2) 1 April 2006 is the day appointed for the coming into force of the following provisions of the Act to the extent they relate to dental services in so far as not already in force—

- (a) section 177; and
- (b) section 178.

#### **Appointed days in relation to charges for dental services**

**5.—**(1) For the purposes of making regulations, 15 February 2006 is the day appointed for the coming into force of section 183 of the Act.

(2) 1 April 2006 is the day appointed for the coming into force of section 183 of the Act in so far as it is not already in force.

#### **Consequential amendments relating to primary dental services, general dental services, and section 28C arrangements**

**6.—**(1) 1 April 2006 is the day appointed for the coming into force of the provisions of Schedule 11 to the Act referred to in paragraph (2) to the extent they relate to dental services in so far as not already in force and section 184 and paragraph 7 of that Schedule in so far as it relates to those provisions.

(2) In Schedule 11—

- (a) paragraphs 2 and 3;
- (b) paragraph 11;
- (c) paragraphs 17 to 20;
- (d) paragraph 21(5) in so far as it omits section 44(3)(c) and (d) and (5) and paragraph 21(1) in so far as it relates to those provisions;
- (e) paragraph 22(3)(b) and paragraph 22(1) in so far as it relates to that provision;
- (f) paragraph 24(b);
- (g) paragraphs 28 to 31;
- (h) paragraph 36(b);
- (i) paragraph 45 in relation to paragraph 6A(2)(b) of Schedule 12A to the 1977 Act;
- (j) paragraph 46(1), (2)(b), (3)(b) and (c);
- (k) paragraph 50;
- (l) paragraph 66;
- (m) paragraph 67(b);
- (n) paragraph 68 ; and
- (o) paragraph 72 and paragraph 69 in so far as it relates to that provision.

#### **Repeals relating to primary dental services, general dental services and section 28C arrangements**

7.—(1) 1 April 2006 is the day appointed for the coming into force of the repeals of the enactments mentioned in Part 4 of Schedule 14 to the Act referred to in paragraph (2) to the extent they relate to dental services in so far as not already in force and section 196 in so far as it relates to those enactments.

- (2) The enactments specified for the purposes of paragraph (1) are—
- (a) in the 1977 Act, sections 5(1A), 28G, 35, 36, 43ZA(3)(b), 43D(10)(b), 44(3)(c) and (d) and (5), 45(1)(b), 49F(1)(c), 49H(1)(a), 56(b), 72(5)(a), 78, 81(b), 82(b), 83(b), 103(1)(a), 128(1), Schedule 1 and Schedule 12;
  - (b) the Health Services Act 1980(3);
  - (c) the Health and Social Services and Social Security Adjudications Act 1983 in relation to section 15(a)(4);
  - (d) the Dentists Act 1984(5);
  - (e) the Health and Social Security Act 1984(6);
  - (f) the Health and Medicines Act 1988 in relation to section 8(1)(b) and section 17(1) in so far as it relates to section 36 of the 1977 Act and Schedule 2, paragraphs 4 to 6, 7(1) and (2) and 8(2) and (3)(7);
  - (g) the National Health Service and Community Care Act 1990 in relation to section 24(8);
  - (h) the Health Authorities Act 1995 in relation to paragraphs 24 and 25 of Schedule 1(9);

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- (3) 1980 c. 53.
  - (4) 1983 c. 41.
  - (5) 1984 c. 24.
  - (6) 1984 c. 48.
  - (7) 1988 c. 49.
  - (8) 1990 c. 19.
  - (9) 1995 c. 17.

- (i) in the National Health Service (Primary Care) Act 1997, Part 1, sections 24(1), 40(1) and (3) and Schedule 2, paragraphs 12, 16 to 19, 24, 25 and 72(**10**);
- (j) the Health Act 1999 in relation to section 9(3), section 10(1), section 11(2) in so far as it inserted section 44(B1) into the 1977 Act, section 39(3) and section 61(2)(**11**);
- (k) the Freedom of Information Act 2000 in relation to Schedule 1 paragraphs 44 and 45(**12**);
- (l) the Health and Social Care Act 2001 in relation to section 20(4), section 22 (1), (2), (3) and (5), section 23(3), section 26, section 41(1) and Schedule 5 paragraph 5(7), 11(2) and 12(2)(**13**); and
- (m) the National Health Service Reform and Health Care Professions Act 2002 in relation to section 4(1), Schedule 2 paragraphs 10(1) and (2) and Schedule 3 paragraphs 2(1) and (3)(**14**).

**Amendment of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004**

**8.** In article 6 of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004(**15**), for paragraph (1) substitute—

“(1) The following transitional provisions will apply until 1 April 2006.”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**16**)

14 February 2006

*John Marek*  
The Deputy Presiding Officer of the National  
Assembly

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(**10**) 1997 c. 46.  
(**11**) 1999 c. 8.  
(**12**) 2000 c. 36.  
(**13**) 2001 c. 15.  
(**14**) 2002 c. 17.  
(**15**) S.I. 2004/480 (W.49).  
(**16**) 1998 c. 38.

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## EXPLANATORY NOTE

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

This Order is the fourth commencement order made by the National Assembly for Wales under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”).

Article 2 relates to primary dental services. Article 2(1) commences from 15 February 2006 section 179(1) of the Act in relation to new section 28X of the National Health Service Act 1977 (“the 1977 Act”) in so far as that section concerns lists of persons performing primary dental services.

Article 2(1) commences from 15 February 2006 section 170 of the Act in relation to new section 16CA(2) and (4) of the 1977 Act which empowers Local Health Boards to provide primary dental services or secure their provision. It also commences from 15 February 2006 a regulation making power in new section 16CB of the 1977 Act in respect of prescribing the dental public health functions of Local Health Boards. It also commences on that date section 180 of the Act in so far as it is not in force, namely as it relates to financial assistance and support to persons proposing or providing primary dental services under a general dental services contract or under section 28C arrangements.

Article 2(2) commences from 1 April 2006 section 170 of the Act in so far as not in force, in particular in relation to the duty on Local Health Boards in the new section 16CA(1) of the 1977 Act to provide or secure the provision of primary dental services in their areas. It also commences from that date the remainder of section 171 in so far as it inserts the new section 16CB(2), (3) and (5) of the 1977 Act which relate to dental public health functions, and in so far as it repeals section 5(1A) of the 1977 Act.

Article 3 relates to general dental services contracts. Article 3(1)(a) commences section 172(1) of the Act fully from 15 February 2006. Article 3(1)(b) commences the power in section 173 of the Act to make transitional provision in respect of dental practitioners who were providing general dental services under section 35 of the 1977 Act.

Article 3(2) commences from 1 April 2006 section 172(2) which repeals sections 35 and 36 of the 1977 Act concerning general dental services.

Article 4 relates to arrangements for primary dental services which may be made under section 28C of the 1977 Act. It commences from 15 February 2006 amendments to section 28D and 28E of the 1977 Act by section 177(1) to (11) of the Act in their application to dental services. It also commences from 1 April 2006 section 178 of the Act in relation to the repeal of personal dental services pilot schemes made under Part 1 of the National Health Service (Primary Care) Act 1997. It also commences the remainder of section 177 in so far as it relates to dental services, namely the repeal of section 28G of the 1977 Act (choice of dental practitioner).

Article 5(1) commences on 15 February 2006 section 183 of the Act which inserts a new section 79 and Schedule 12ZA (which relate to charges for primary dental services) into the 1977 Act, but only for the purposes of making regulations. Article 5(2) fully commences section 183 on 1 April 2006.

Article 6 commences on 1 April 2006 various consequential amendments relating to primary dental services, general dental services and section 28C arrangements contained in Schedule 11 to the Act.

Article 7 commences on 1 April 2006 various repeals relating to primary dental services, general dental services and section 28C arrangements.

Article 8 amends the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No.1) (Wales) Order 2004 in order to provide that certain transitional provisions

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contained in that order continue in force until 1 April 2006 rather than upon the coming into force of section 172(1) of the Act.

### 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 in Wales by commencement orders made before the date of this Order. The provisions commenced by [SI 2003/3346](#), [SI 2004/759](#), [S.I.2005/457](#) and [S.I. 2005/2925](#) have been commenced in relation to England and Wales. The provisions commenced by [SI2004/480 \(W.49\)](#), [2004/873 \(W.88\)](#) and [2005/3285 \(W.249\)](#) have been commenced in relation to 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 43	11.3.2004	<a href="#">2004/759</a>
Section 44	1.4.2004	<a href="#">2004/759</a>
Sections 45 and 46	1.4.2004	<a href="#">2004/759</a>
Section 47 as to Wales	1.4.2004	<a href="#">2004/873 (W.88)</a>
Sections 48 and 49	1.4.2004	<a href="#">2004/759</a>
Section 50(1) (partially)	1.4.2004	<a href="#">2004/759</a>
Section 50(1) (partially)	1.4.2006	<a href="#">2004/759</a>
Section 50(2) and (3)	1.4.2005	<a href="#">2004/759</a>
Section 50(4)	1.4.2006	<a href="#">2004/759</a>
Section 50(5)	1.4.2004	<a href="#">2004/759</a>
Section 51(1) to (3), (5) and (6)	1.4.2004	<a href="#">2004/759</a>
Section 51(4)	1.4.2005	<a href="#">2004/759</a>
Section 52(1) to (4), (6) and (7)	1.4.2004	<a href="#">2004/759</a>
Section 52(5)	1.4.2005	<a href="#">2004/759</a>
Sections 53 to 57	1.4.2004	<a href="#">2004/759</a>
Sections 60 and 61	1.4.2004	<a href="#">2004/759</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 64 to 68	1.4.2004	2004/759
Sections 70—75 as to Wales	1.4.2004	2004/873 (W.88)
Sections 92—101, as to Wales (partially)	1.4.2004	2004/873 (W.88)
Section 102	1.4.2004	2004/759
Section 103	1.4.2004	2004/759
Section 105 (partially)	1.4.2006	2005/2925
Section 106	1.4.2004	2004/759
Section 107 as to Wales	1.4.2006	2005/3285 (W.249)
Section 108	1.4.2004	2004/759
Section 109 as to Wales	1.4.2004	2004/873 (W.88)
Section 111	1.4.2004	2004/759
Section 114 as to Wales (partially)	1.4.2006	2005/3285 (W.249)
Section 115(1), (2), (4), (5) and (6) as to Wales	1.4.2006	2005/3285 (W.249)
Section 116(2) and (3) as to Wales	1.4.2006	2005/3285 (W.249)
Section 117 as to Wales	30.12.2005	2005/3285 (W.249)
Sections 118 and 119	1.6.2004	2004/759
Section 120 and 121	1.4.2004	2004/759
Section 123	1.4.2004	2004/759
Section 124	1.4.2004	2004/759
Section 126	1.4.2004	2004/759
Section 128	1.4.2004	2004/759
Section 130	1.4.2004	2004/759
Section 132	1.4.2004	2004/759
Section 134	1.4.2004	2004/759
Section 136 to 138	1.4.2004	2004/759
Section 140	1.4.2004	2004/759
Sections 142 to 145 as to Wales	1.4.2004	2004/873 (W.88)
Section 146	1.4.2004	2004/759
Section 147 (partially)	8.1.2004	2003/3346
Section 147 as to England (partially)	11.3.2004	2004/759

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 147 as to Wales (partially)	11.3.2004	2004/759
Section 147 (partially)	1.4.2004	2004/759
Section 147 (partially)	1.6.2004	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 174 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 175 as to Wales	28.2.2004	2004/480 (W.49)
Section 176 as to Wales	28.2.2004	2004/480 (W.49)
Section 179(1) as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 179(2) as to Wales	28.2.2004	2004/480 (W.49)
Section 180 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 181	1.4.2006	2005/2925
Section 184 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 184 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 184 as to Wales (partially)	1.4.2006	2005/2925
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 196 (partially)	1.4.2004	2004/759
Section 196 as to Wales (partially)	1.4.2004	2004/873 (W.88)
Section 196 (partially)	1.4.2005	2005/457
Section 196 as to Wales (partially)	1.4.2006	2005/2925
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 8	11.3.2004	2004/759



<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 9		
Paragraphs 1, 3, 5 to 8, 13 and 31 (partially)	8.1.2004	2003/3346
Paragraphs 2, 14, 16 to 20, 22, 23(a), 25, 29 and 30	1.4.2004	2004/759
Paragraphs 9 and 11	1.6.2004	2004/759
Paragraphs 10, 21, 24, 26 to 28 and 32 as to England	1.4.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraphs 16 and 23(b) (partially)	11.3.2004	2004/759
Schedule 11 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Schedule 11 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Schedule 11 as to Wales (partially)	1.4.2006	2005/2925
Schedule 14 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Schedule 14 Part 1	1.4.2004	2004/759
Schedule 14 as to Wales (partially)	1.4.2006	2005/2925