



Health and Social Care (Community Health and Standards) Act 2003

2003 CHAPTER 43

PART 6

FINAL PROVISIONS

193 Financial provisions

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State by virtue of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

194 Interpretation

In this Act—

- [^{F1} “the 2006 Act” means the National Health Service Act 2006];
- “the Assembly” means the National Assembly for Wales.

Textual Amendments

- F1** Words in s. 194 substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\), s. 8\(2\), Sch. 1 para. 252](#) (with Sch. 3 Pt. 1)

195 Orders and regulations

^{F2}

(1) Any order or regulations under this Act—

- (a) may make different provision for different purposes; and

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- (b) may make incidental, supplementary, consequential, transitory or transitional or saving provision.
- (2) Any power to make regulations conferred by this Act (as well as being exercisable in relation to all cases to which it extends) may be exercised in relation to all those cases subject to exceptions or in relation to any particular case or class of case.
- (3) Before making any regulations under Part 3 the Secretary of State must consult the Assembly.
- (4) Any power to make an order or regulations under this Act is exercisable by statutory instrument.
- (5) The Secretary of State may not make a statutory instrument containing—
- (a) regulations under section 150(12),
 - (b) the first regulations made under section 26, 35 or 153(2), or
 - (c) an order or regulations under this Act making, by virtue of subsection (1)(b) or section 200 or 201, provision which amends or repeals any part of the text of an Act (including an Act of the Scottish Parliament),
- unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (6) A statutory instrument containing any other order or regulations under this Act made by the Secretary of State (apart from an order under section 22, 25(3), 28 or 199) is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) The Scottish Ministers may not make a statutory instrument containing—
- (a) regulations under section 150(12),
 - (b) the first regulations made under section 153(2), or
 - (c) an order or regulations under this Act making, by virtue of subsection (1)(b) or section 200 or 201, provision which amends or repeals any part of the text of an Act (including an Act of the Scottish Parliament),
- unless a draft of the instrument has been laid before, and approved by resolution of, the Scottish Parliament.
- (8) A statutory instrument containing any other order or regulations under this Act made by the Scottish Ministers (apart from an order under section 199) is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Textual Amendments

- F2** By SI 2006/1407, Sch. 1 para 14 it is provided that in s. 195(2) the words "or a power to make an order conferred by Part 1" are inserted after "this Act" (the insertion coming into force immediately before the National Health Service Act comes into force); and by 2006 c. 43, **Sch. 4** it is provided that in s. 195(1) the same words are repealed (1.3.2007)

196 Repeals and revocations

The enactments mentioned in Schedule 14 (which include provisions of Acts of the Scottish Parliament) are repealed or revoked to the extent specified.

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Commencement Information

- I1** S. 196 in force at 1.3.2004 for specified purposes for E. by S.I. 2004/288, **art. 4(2)(c)** (with arts. 7, 8) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I2** S. 196 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/873, **art. 2(e)**
- I3** S. 196 in force at 1.4.2004 for specified purposes for E. by S.I. 2004/288, **art. 6** (with arts. 7-9) (as amended by S.I. 2004/866 and S.I. 2005/2925)
- I4** S. 196 in force at 1.4.2004 for specified purposes for E.W. by S.I. 2004/759, **art. 12**
- I5** S. 196 in force at 1.4.2004 for specified purposes for E.W. by S.I. 2004/759, **art. 13(1)**
- I6** S. 196 in force at 1.4.2004 for specified purposes for W. by S.I. 2004/480, **art. 5(1)** (with arts. 6, 7) (as amended by S.I. 2004/1019 and S.I. 2006/345)
- I7** S. 196 in force at 17.1.2005 for specified purposes for E. by S.I. 2005/38, **art. 2(d)** (with art. 3)
- I8** S. 196 in force at 1.4.2005 for specified purposes for E.W. by S.I. 2005/457, **art. 2(b)**
- I9** S. 196 in force at 7.10.2005 for specified purposes by S.I. 2005/2278, **art. 2(2)(b)**
- I10** S. 196 in force at 15.2.2006 for specified purposes for W. by S.I. 2006/345, **art. 4(1)(c)**
- I11** S. 196 in force at 1.4.2006 for specified purposes for W. by S.I. 2006/345, **art. 7(1)**
- I12** S. 196 in force at 1.4.2006 for specified purposes by S.I. 2005/2925, **art. 11(1)**
- I13** S. 196 in force at 1.9.2006 for specified purposes for E. by S.I. 2006/1680, **art. 3(d)**
- I14** S. 196 in force at 27.10.2006 for specified purposes by S.I. 2006/2817, **art. 2(b)**
- I15** S. 196 in force at 29.1.2007 for specified purposes for E.W. by S.I. 2006/3397, **art. 3(1)** (with art. 4)
- I16** S. 196 in force at 29.1.2007 for specified purposes for S. by S.I. 2007/10, **art. 2(2)(e)** (with art. 3)
- I17** S. 196 in force at 1.8.2014 for specified purposes for W. by S.I. 2014/1793, **art. 2**

197 Wales

- (1) In Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), any reference to an Act which is amended by this Act shall (as from the time when the Act is so amended) be treated as referring to that Act as amended by this Act.
- (2) Subsection (1) does not affect the power to make further Orders varying or omitting any reference to an Act which is amended by this Act.

198 Isles of Scilly

The Secretary of State may by order provide that this Act, in its application to the Isles of Scilly, is to have effect with such modifications as may be specified in the order.

199 Commencement

- (1) Subject to this section—
 - (a) the provisions of Part 1 (except section 1 and Schedule 1) and Parts 2 to 5, and
 - (b) section 196 and Schedule 14,
 shall come into force on such day as the appropriate authority may by order appoint.
- (2) The appropriate authority is—
 - (a) in relation to Part 1, and section 196 and Schedule 14 so far as relating to that Part, the Secretary of State;
 - (b) in relation to Part 2—
 - (i) for section 42 and Schedule 7, sections 57 and 61, Chapter 5, sections 102 to 105, 110, 112, 116(1), 124, 125, 127, 129, 131, 133, 135,

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- 139 and 141, section 147 and Schedule 9 so far as relating to the Commission for Social Care Inspection, and section 196 and Schedule 14 so far as relating to those provisions, the Secretary of State;
- (ii) for sections 47 and 63, Chapters 4 and 6, sections 109, 116(2), 142 to 145 and section 196 and Schedule 14 so far as relating to those provisions, the Assembly;
 - (iii) for sections 106 to 108, 111, 113, 114, 115, 116(3), 117, section 147 and paragraph 4 of Schedule 9 and section 196 and Schedule 14 so far as relating to those provisions, the Secretary of State, in relation to England, and the Assembly, in relation to Wales; and
 - (iv) for the other provisions of the Part, and section 196 and Schedule 14 so far as relating to those provisions, the Secretary of State after consulting the Assembly;
- (c) in relation to Part 3, and section 196 and Schedule 14 so far as relating to that Part—
- (i) in relation to England and Wales, the Secretary of State after consulting the Assembly; and
 - (ii) in relation to Scotland, the Scottish Ministers with the consent of the Secretary of State;
- (d) in relation to section 181, and section 196 and Schedule 14 so far as relating to section 181, the Secretary of State;
- (e) in relation to the other provisions of Part 4, and section 196 and Schedule 14 so far as relating to those provisions—
- (i) in relation to England, the Secretary of State; and
 - (ii) in relation to Wales, the Assembly;
- (f) in relation to Part 5, and section 196 and Schedule 14 so far as relating to that Part, the Secretary of State.
- (3) Different days may be appointed for different purposes.
- (4) Subsection (1) does not apply in relation to any provision of this Act so far as it confers power to make an order or regulations, or to section 167, 186 or 192.

200 Transitional or transitory provision and savings

- (1) The appropriate authority may by order make such transitional or transitory provisions and savings as the authority considers appropriate in connection with the coming into force of any provision of this Act.
- (2) For the purposes of this section “appropriate authority”, in relation to any provision of this Act, means the authority which is the appropriate authority in relation to that provision for the purposes of section 199.
- (3) An order under this section may modify any Act (including an Act of the Scottish Parliament) or subordinate legislation.
- (4) Nothing in any transitional or transitory provisions and savings contained in this Act restricts the power under this section to make other transitional provisions and savings.

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201 Supplementary and consequential provision

- (1) The appropriate authority may by order make such supplementary, incidental or consequential provision as he or it thinks appropriate for the purposes of, in consequence of or for giving full effect to any provision of this Act.
- (2) For the purposes of this section “appropriate authority”, in relation to any provision of this Act, means the authority which is the appropriate authority in relation to that provision for the purposes of section 199.
- (3) An order under this section may modify any Act (including an Act of the Scottish Parliament) or subordinate legislation.
- (4) The power under this section is not restricted by any other provision of this Act.

Modifications etc. (not altering text)

- C1 S. 201 modified (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 8(2), [Sch. 2 para. 1\(6\)\(e\)](#) (with [Sch. 3 Pt. 1](#))

202 Extent

- (1) The amendment or repeal of any provision by this Act has the same extent as the provision being amended or repealed (subject to any express limitation contained in this Act).
- (2) Subject to that and except as provided below this Act extends to England and Wales only.
- (3) The following provisions also extend to Scotland—
 - (a) sections 124 and 125;
 - (b) Part 3, except for section 163(3);
 - (c) sections 185, 187 and 188 and Schedule 12;
 - (d) this Part.
- (4) The following provisions also extend to Northern Ireland—
 - (a) sections 124 and 125;
 - (b) section 186;
 - (c) sections 187, 188 and Schedule 12;
 - (d) this Part.

203 Short title

This Act may be cited as the Health and Social Care (Community Health and Standards) Act 2003.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(7)(i) modified (temp.) by [S.I. 2005/2925 art. 3\(1\)\(2\)](#) (This amendment not applied to legislation.gov.uk. Art. 3 of the affecting S.I. was revoked (20.3.2006) by S.I. 2006/836, art. 3)
- Sch. 10 para. 4(b) and word omitted by [S.I. 2018/1149 Sch. para. 38](#)