

HEALTH AND SOCIAL CARE ACT 2012

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 12 – Final Provisions

Section 303 – Power to make consequential provision

1552. This section enables the Secretary of State to make an order making changes to other legislation as a consequence of the changes made by the Act, in addition to those consequential changes which are made by the Act itself. If these include amendments to other primary legislation, the order will be subject to the affirmative procedure. The amendments can be made to other legislation, including in some cases legislation made by the devolved authorities (*subsection (6)*).
1553. An order under this section may include transitional, transitory or saving provision in connection with the commencement of the consequential change (*subsection (2)(b)*), and this can include modifying the effect of the change, pending the coming into force of other consequential changes or other legislation, including a provision of this Act (*subsection (3)*).

Section 304 – Regulations, orders and directions

1554. This section makes general provisions about the powers to make regulations, orders and directions under the Act and for the Parliamentary procedures that apply in relation to such instruments. *Subsection (5)* lists the secondary legislation which is subject to the affirmative resolution procedure.

Section 306 – Commencement

1555. *Subsection (4)* of this section provides that most of the provisions of the Act come into force on the day specified by the Secretary of State in an order, and different days may be specified for different purposes, including different geographical areas (*subsection (5)*). Certain provisions of the Act come into force on Royal Assent, and these are specified in *subsection (1)*.
1556. *Subsection (6)* enables a commencement order to make modifications of this Act or other legislation which would only apply until the commencement of another provision of the Act or another piece of legislation.
1557. *Subsection (7)* enables a commencement order to provide that the duty on CCGs to prepare accounts does not apply during the period between the coming into force of the provisions for the establishment of CCGs and the date specified by the Secretary of State as the date by which every provider of primary medical services in England is to be a member of a CCG.
1558. *Subsection (8)* relates to consultation requirements imposed by the Act and allows the consultations begun before the provision imposing the duty to consult is brought into force to be valid for the purposes of that provision.

*These notes refer to the Health and Social Care Act 2012
(c.7) which received Royal Assent on 27 March 2012*

Section 307 – Commencement: consultation with Scottish Ministers

1559. This section imposes on the Secretary of State a duty to consult Scottish Ministers before commencing certain provisions of the Act by order.
1560. *Subsection (1)* lists the provisions in relation to which Scottish Ministers must be consulted. These provisions either relate to public health, or are in Part 7 of the Act (regulation of health and social care workers).

Section 308 – Extent

1561. This section sets out the Act's extent, a full description of which is in the 'Territorial extent' section of this document.