

2003 No. 1716

**SOCIAL SERVICES, ENGLAND
LOCAL GOVERNMENT, ENGLAND**

**The Community Care Plans (Disapplication) (England) Order
2003**

Made - - - - - *8th July 2003*

Coming into force *9th July 2003*

Whereas—

- (a) the Secretary of State considers that it is not appropriate for section 46(1) and (2) of the National Health Service and Community Care Act 1990(a) to apply to a local authority in England(b);
- (b) the Secretary of State has consulted such local authorities, representatives of local government, and other persons as appear to him to be likely to be affected by his proposals(c);
- (c) a document, which explained the Secretary of State’s proposals, set them out in the form of a draft order and gave details of the consultation, was laid before each House of Parliament as required by section 9(3) of the Local Government Act 2000, and the sixty day period for Parliamentary consideration required by section 9(4) of that Act expired before a draft of this Order was laid before Parliament;
- (d) in preparing a draft of this Order the Secretary of State considered any representations made during that period(d);
- (e) a draft of this Order was laid before Parliament with a statement of the Secretary of State giving details of such representations and of any changes made to the Secretary of State’s proposals contained in the document previously laid before Parliament(e); and
- (f) the draft was approved by a resolution of each House of Parliament:

Now, therefore, the Secretary of State for Health, in exercise of the powers conferred upon him by sections 6(1) and 105 of the Local Government Act 2000, and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Community Care Plans (Disapplication) (England) Order 2003 and shall come into force on the day after the day on which it is made.

(a) 1990 c.19.
(b) See section 6(3)(a) of the Local Government Act 2000 (c.22) (“the 2000 Act”).
(c) See section 9(1) of the 2000 Act.
(d) See section 9(6) of the 2000 Act.
(e) See section 9(7) of the 2000 Act.

(2) In this Order—

“the Act” means the National Health Service and Community Care Act 1990; and

“local authority” has the same meaning as in section 46(3) of the Act.

(3) This Order applies to local authorities whose areas are situated in England only.

Disapplication

2. The following provisions shall not apply to local authorities to which this Order applies—

(a) subsections (1) and (2) of section 46 of the Act; and

(b) the entry relating to section 46 of the Act contained in Schedule 1 to the Local Authority Social Services Act 1970(a).

Signed by authority of the Secretary of State for Health

8th July 2003

Stephen Ladyman
Parliamentary Under Secretary of State,
Department of Health

(a) 1970 c.42 as amended by section 66(1) of, and paragraph 11 of Schedule 9 to, the National Health Service and Community Care Act 1990 (c.19).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order removes the obligations on local authorities in England relating to the preparation etc. of community care plans as required under section 46(1) and (2) of the National Health Service and Community Care Act 1990. It also consequentially removes section 46 from the list of social services functions, in relation to England, found in Schedule 1 to the Local Authority Social Services Act 1970.

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