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## EXPLANATORY NOTE

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

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

Article 2(1) commences section 86 of the Act as from 30th October 2005. That section provides for the Commission for Social Care Inspection (the “CSCI”) to be able to determine and levy fees in relation to such of its functions under sections 79, 80 or 82 of the Act as may be prescribed. In addition, as from the same date, it commences section 105(2) (and 105(1) in so far as it relates to subsection (2)) of the Act for the purposes of allowing the Commission for Healthcare Audit and Inspection (“the CHAI”), to determine the fees payable to it from 1st April 2006 and thereafter under Part 2 of the Care Standards Act 2000 (“the 2000 Act”). Article 2(2) commences section 105(3) to (7) of the Act with effect from 1st April 2006, and section 105(1) in so far as it relates to those subsections. Article 3 contains transitional provisions in relation to the 2000 Act which will apply until such time as section 105(2) of the Act is commenced in relation to the CSCI.

Article 4 relates to primary dental services. Article 4(1) commences from 1st December 2005 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. It also commences from 1st December 2005 a regulation making power in section 45B(9) of the 1977 Act concerning Local Dental Committees.

Article 4(2) commences from 1st January 2006 section 170 of the Act in relation to new section 16CA(2) and (4) of the 1977 Act which empowers Primary Care Trusts to provide primary dental services or secure their provision. It also commences from 1st January 2006 a regulation making power in new section 16CB of the 1977 Act in respect of prescribing the dental public health functions of Primary Care Trusts. 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 4(3) commences from 1st April 2006 section 170 of the Act in so far as not in force, in particular in relation to the duty on Primary Care Trusts 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(1) and (4) 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 5 relates to general dental services contracts. Article 5(1)(a) and (b) commence from 1st December 2005 the regulation and direction making powers inserted into the 1977 Act by section 172(1) of the Act. Article 5(1)(c) 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 5(2) commences section 172(1) of the Act fully from 1st January 2006.

Article 5(3) commences from 1st April 2006 section 172(2) which repeals sections 35 and 36 of the 1977 Act concerning general dental services.

Article 6 relates to arrangements for primary dental services which may be made under section 28C of the 1977 Act. It commences from 1st December 2005 amendments to sections 28D and 28E of the 1977 Act by section 177(1) to (11) of the Act in so far as not in force, namely in their application

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to primary dental services. It also commences from 1st 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, namely the repeal of section 28G of the 1977 Act (choice of dental practitioner).

Article 7(1) commences on 1st November 2005 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 7(2) fully commences section 183 on 1st April 2006.

Article 8 relates to the provision of a complaints procedure in relation to special guardianship support services. It fully commences section 117(1) of the Act on 30th December 2005.

Article 9 commences on 1st April 2006 the abolition of the Dental Practice Board.

Article 10 commences on 1st April 2006 various consequential amendments relating to primary dental services, general dental services, section 28C arrangements and the abolition of the Dental Practice Board contained in Schedule 11 to the Act.

Article 11 commences on 1st April 2006 various repeals relating to primary dental services, general dental services, section 28C arrangements and the abolition of the Dental Practice Board.

Article 12 amends the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2) Order 2004 in order to provide that certain transitional provisions contained in that Order continue in force until 1st April 2006 rather than upon the coming into force of section 172(1) of the Act.