
STATUTORY INSTRUMENTS

2006 No. 3397 (C. 125)

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

The Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 11) Order 2006

Made - - - - 12th December 2006

The Secretary of State for Health makes this Order in exercise of the powers conferred by sections 195(1) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁾. In accordance with section 199(2)(c)(i) of that Act she has consulted the National Assembly for Wales.

Citation, interpretation and application

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 11) Order 2006.

(2) In this Order—

“the 1988 Act” means the Road Traffic Act 1988⁽²⁾;

“the 1999 Act” means the Road Traffic (NHS Charges) Act 1999⁽³⁾; and

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

(3) This Order applies in relation to England and Wales, except for article 5 which applies in relation to England only.

Appointed day for provisions relating to recovery of NHS charges

2.—(1) 28th January 2007 is the appointed day for the coming into force of section 150(1) to (7) and (10) to (14) of the Act in so far as it is not already in force⁽⁴⁾.

(1) [2003 c. 43](#). Section 199(2) defines the “appropriate authority”.

(2) [1988 c.52](#).

(3) [1999 c.3](#).

(4) Section 199(4) of the Health and Social Care (Community Health and Standards) Act [2003 \(c.43\)](#) commenced section 150 of the Act on Royal Assent for the purpose of making regulations.

(2) 29th January 2007 is the appointed day for the coming into force of the following provisions of the Act in so far as they are not already in force⁽⁵⁾—

- (a) sections 151 to 164⁽⁶⁾;
- (b) sections 166 to 168; and
- (c) Schedule 10.

Repeals relating to recovery of NHS charges

3.—(1) Subject to article 4, 29th January 2007 is the day appointed for the coming into force of the repeals relating to the enactments mentioned in Part 3 of Schedule 14 to the Act which are referred to in paragraph (2), and sections 169 and 196 of the Act in so far as it relates to those enactments.

(2) The enactments specified for the purposes of paragraph (1) are—

- (a) the 1999 Act; and
- (b) the 1988 Act.

Saving provisions

4.—(1) Notwithstanding article 3 above, the 1999 Act, as it stood on 28th January 2007, shall continue to have effect in relation to injuries to which it applied which occurred before 29th January 2007.

(2) Where the 1999 Act continues to apply in accordance with paragraph (1), section 145(6) of the 1988 Act shall be read as if the repeals relating to that section in Part 3 of Schedule 14 to the Act had not been made.

Appointed day for provisions relating to the Commission for Social Care Inspection

5. 15th January 2007 is the appointed day for the coming into force of paragraph 15 of Schedule 9 to the Act and section 147 of the Act insofar as it relates to that paragraph of the Schedule.

Signed by authority of the Secretary of State for Health

12th December 2006

Lord Warner
Minister of State
Department of Health

(5) Section 199(4) of the Health and Social Care (Community Health and Standards) Act 2003 commenced sections 151, 153, 156 to 158, 160, and 162 to 164 of the Act on Royal Assent for the purpose of making regulations.

(6) Section 153(9) is amended by section 73 of the Health Act 2006 (c.28). Section 73 of that Act was commenced by the Health Act 2006 (Commencement No.2) Order 2006 (S.I. 2006/3125).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the eleventh commencement order under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”). It provides for the coming into force of certain provisions of Part 3 of the Act providing for the NHS to recover the costs of hospital treatment and ambulance services where people receive compensation for injuries.

Article 2(1) commences section 150 of the Act, which sets out the circumstances in which NHS costs can be recovered, on 28th January 2007. Section 150(13) of the Act provides that the scheme will apply only to injuries which take place after the date on which section 150 comes into force. Article 2(2) accordingly commences all other sections in Part 3 (except section 165 which contains the power to extend the scheme for the recovery of NHS costs to cases in which treatment has been provided at a non-health service hospital and section 169 which is dealt with in article 3) on 29th January 2007. The scheme provided for in Part 3 of the Act will thus apply to injuries which take place on or after 29th January 2007.

Article 3 commences the repeal of the Road Traffic (NHS Charges) Act 1999 (“the 1999 Act”) which contains the current scheme for the recovery of NHS charges for road traffic cases.

Article 4 contains transitional provisions in relation to the 1999 Act which will continue to apply in respect of injuries which occur before 29th January 2007.

This Order also commences, in article 5, from 15th January 2007, an amendment to the Local Government Act 1999 requiring the Commission for Social Care Inspection to have regard to guidance on co-ordination of inspections.

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 by a commencement order made before the date of this Order. Except where indicated, the provision has been commenced in relation to England and Wales.

| <i>Date of Commencement</i> | <i>S.I. No</i> | |
|-----------------------------|----------------|----------|
| Section 1 | 1.4.2004 | 2004/759 |
| Section 2 | 2003/3346 | |
| 2 | | |
| to | | |
| 4 | | |
| Section 5 | 2004/759 | |
| 5 | | |
| to | | |
| 20 | | |
| Section 22 | 2004/759 | |
| 22 | | |

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| <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|----------------|
| to 35 | |
| Sec. 2004 36 | 2003/3346 |
| Sec. 2004 37 | 2004/759 |
| to 39 | |
| Sec. 2004 40 | 2003/3346 |
| Sec. 2004 41 | 2003/3346 |
| Sec. 2004 42 | 2003/3346 |
| Sec. 2004 43 | 2004/759 |
| Sec. 2004 44 | 2004/759 |
| to 46 | |
| Sec. 2004 48 and 49 | 2004/759 |
| Sec. 2004 (partially) and 50(1) 2006 (partially) | 2004/759(7) |
| 1.4.2007 (partially) | |
| 1.4.2008 (remainder) | |
| Sec. 2005 50(2) and (3) | 2004/759 |
| Sec. 2006 50(4) | 2004/759(8) |
| Sec. 2004 50(5) | 2004/759 |
| Sec. 2004 51(1) to (3), | 2004/759 |

(7) S.I.2004/759 is amended by S.I. 2006/836.

(8) S.I.2004/759 is amended by S.I. 2006/836.

| <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|----------------|
| (5) and (6) | |
| Sec 2005 51(4) | 2004/759 |
| Sec 2004 52(1) to (4), (6) and (7) | 2004/759 |
| Sec 2005 52(5) | 2004/759 |
| Sec 2004 (remainder) 53 | 2004/759 |
| Sec 2004 54 to 56 | 2004/759 |
| Sec 2004 (remainder) 57 | 2004/759 |
| Sec 2004 60 and 61 | 2004/759 |
| Sec 2004 64 to 68 | 2004/759 |
| Sec 2004 76 to 84 | 2004/759 |
| Sec 2005 85 as to England | 2005/457 |
| Sec 2005 86 as to England | 2005/2925(9) |

(9) S.I.2005/2925 is amended by S.I. 2006/836.

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| <i>Date of Commencement</i> | <i>S.I. No</i> |
|--|----------------|
| Sec 1004 87 to 91 | 2004/759 |
| Sec 1004 102 to 104 | 2004/759 |
| Sec 1005 (partially) 105(1) and (2) | 2005/ 2925 |
| Sec 1006 (partially) 105(1) and (6) as to England | 2006/1680 |
| Sec 1006 (remainder) 105(1) and (6) | 2006/1680 |
| Sec 1006 105(3) to (5) and (7) | 2006/1680 |
| Sec 1004 106 | 2004/759 |
| Sec 1004 108 | 2004/759 |
| Sec 1004 110 and 111 | 2004/759 |
| Sec 1004 112 | 2004/759 |
| Sec 1006 113(1), (3) and | 2006/1680 |

| <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|----------------|
| (4) as to England | |
| Sec. 2006 114(1), (2), (5) and (6) as to England | 2006/1680 |
| Sec. 2006 115 as to England | 2006/1680 |
| Section 105 (partially) 117 | 2005/38 |
| 30.12.05 (remainder) to England | 2005/2925 |
| Sec. 2004 118 and 119 | 2004/759 |
| Sec. 2004 120 and 121 | 2004/759 |
| Sec. 2004 123 to 141 | 2004/759 |
| Sec. 2004 146 | 2004/759 |
| Sec. 2004 (partially) 147 as to England | 2003/3346 |
| Sec. 2004 (partially) 147 | 2003/3346 |

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| <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|----------------|
| Section 104 (partially), 1.4.2004 (partially) and 1.6.2004 (partially) | 2004/759 |
| Section 148 | 2003/3346 |
| Section 174 (partially) and 1.4.2004 (remainder) to England | 2004/288(10) |
| Section 170 (partially) and 2006 (remainder) as to England | 2005/2925 |
| Section 174 (partially) and 2006 (remainder) as to England | 2005/2925 |
| Section 171(2) as to England | 2005/2925 |
| Section 172 (partially) and 2006 (remainder) as to England | 2005/2925 |
| Section 172(2) as to England | 2005/2925 |
| Section 173 as to England | 2005/2925 |
| Section 175(1) (partially) as to England | 2004/288 |

(10) S.I.2004/288 is amended by S.I.2004/866.

| <i>Date of Commencement</i> | <i>S.I. No</i> |
|--|-----------------------|
| Sec 175(1) | 2004/288 |
| Sec 175 (remainder) as to England | 2004/288 |
| Sec 176 as to England | 2004/288 |
| Sec 177(3) (partially) and 177(11) (partially) and (12).2005 (remainder) as to England | 2004/288 2005/2925 |
| Sec 177(3) (partially) th12.2005 (remainder) (11) as to England | 2004/288 2005/2925 |
| Sec 177(12) (partially) as4.2006 (remainder) to England | 2004/288 2005/2925 |
| Sec 178 (partially) as4.2006 (remainder) to England | 2004/288 2005/2925 |
| Sec 179(1) (partially) as12.2005 (remainder) to England | 2004/288 2005/2925 |
| Sec 179(2) as to England | 2004/288 |

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| <i>Date of Commencement</i> | <i>S.I. No</i> |
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| Sec 180 180 | 2004/288 |
| Sec 181 181 | 2005/2925 |
| Sec 182 182 | 2005/2925 |
| Sec 183 183 | 2005/2925 |
| Sec 184 184 | 2005/2925 |
| Sec 185 185 | 2005/2925 |
| Sec 186 186 | 2005/2925 |
| Sec 187 187 | 2004/288 |
| Sec 188 188 | 2005/38 |
| Sec 189 189 | 2005/2925 |
| Sec 190 190 | 2005/2925 |
| Sec 191 191 | 2005/2925 |
| Sec 192 192 | 2005/2278 |
| Sec 193 193 | 2006/2817 |
| Sec 194 194 | 2004/2626 |
| Sec 195 195 | 2004/759 |
| Sec 196 196 | 2005/457 |
| Sec 197 197 | 2004/288 |
| Sec 198 198 | 2004/759 |
| Sec 199 199 | 2005/38 |

| <i>Date of Commencement</i> | <i>S.I. No</i> |
|--|----------------|
| Section 196 2005 (partially) | 2005/457 |
| Section 196 2005 (partially) | 2005/2278 |
| Section 196 2006 (partially) | 2006/2817 |
| Schedule 1 | 2004/759 |
| Schedule 2 | 2003/3346 |
| Schedules 3 to 5 | 2004/759 |
| Schedule 6 | 2003/3346 |
| Schedule 7 | 2003/3346 |
| Schedule 8 | 2004/759 |
| Schedule 9 | |
| Paragraph 8.1.2004 (partially) and 2004 (partially) | 2003/3346 |
| Paragraph 2 | 2004/759 |
| Paragraph 8.1.2004 (partially) and and 5 to 8 | 2003/3346 |
| Paragraph 9 | 2004/759 |
| Paragraph 10 | 2004/759 |
| Paragraph 11 | 2004/759 |
| Paragraph 12 | 2004/759 |
| Paragraph 14 | 2004/759 |
| Paragraph 16 (partially) and 1.4.2004 (remainder) | 2004/759 |
| Paragraphs 17 | 2004/759 |

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| <i>Division</i> | <i>Commencement</i> | <i>S.I. No</i> |
|--|---------------------|-----------------------|
| to 22 | | |
| Paragraph 23(a) | | 2004/759 |
| Paragraph (partially) 23(b) | | 2004/759 |
| Paragraphs 24 to 26 | | 2004/759 |
| Paragraph (partially) 27 and 1.4.2004 (remainder) | | 2004/759 |
| Paragraphs 28 to 30 | | 2004/759 |
| Paragraph (partially) and §11.2004 (partially) | | 2003/3346 |
| Paragraph 32 | | 2004/759 |
| Schedule 11 | | |
| Paragraph 1 | | 2004/288 |
| Paragraph (partially) 2 1.4.2006 (remainder) | | 2004/288 2005/2925 |
| Paragraph (partially) 3(1), (2) (a) and (3) to (5) | | 2004/288 |
| Paragraph (remainder) 3 | | 2005/2925 |
| Paragraphs 4 to 6 | | 2004/288 |
| Paragraph (partially), 1.3.2004 (partially) and 1.4.2004 (partially) | | 2004/288 2005/2925 |

| <i>Division</i> | <i>Commencement</i> | <i>S.I. No</i> |
|-------------------------|---|----------------|
| Paragraph 8 | 1.12.2005 (partially) and 1.4.2006 (partially) | 2004/288 |
| Paragraph 9 | | 2004/288 |
| Paragraphs 12 and 13 | | 2004/288 |
| Paragraph 14 | (partially) | 2004/288 |
| Paragraph 15 | 12.2005 (remainder) | 2005/2925 |
| Paragraph 16 and 17 | (partially) | 2004/288 |
| Paragraph 20 | (partially) | 2004/288 |
| Paragraph 21(1) and (3) | (partially) | 2004/288 |
| Paragraph 22 | (partially) | 2004/288 |
| Paragraph 23 | (partially) and 24.2004 (partially) | 2004/288 |
| Paragraph 23 | 1.12.2005 (partially) | 2005/2925 |
| Paragraph 23 | (remainder) | 2005/2925 |
| Paragraph 24(a) | | 2004/288 |
| Paragraph 24(b) | | 2005/2925 |
| Paragraph 25 | | 2004/288 |
| Paragraph 26 | (partially) | 2004/759 |
| Paragraph 26 | (remainder) | 2004/288 |

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| <i>Division</i> | <i>Commencement</i> | <i>S.I. No</i> |
|--|---------------------|----------------|
| Paragraph 27 | | 2004/288 |
| Paragraphs 28 to 35 | | 2005/2925 |
| Paragraph 36(a) | | 2004/288 |
| Paragraph 36(b) | | 2005/2925 |
| Paragraph 37 | | 2004/288 |
| Paragraph 38 | | 2004/288 |
| Paragraph 39 | | 2005/2925 |
| Paragraph 41 | | 2005/2925 |
| Paragraphs 42 to 44 | | 2004/288 |
| Paragraph 46(1), (2) (b) and (3) (b) and (c) | | 2005/2925 |
| Paragraphs 47 to 49 | | 2004/288 |
| Paragraph 50 | | 2005/2925 |
| Paragraphs 51 and 52 | | 2004/288 |
| Paragraph 53 (partially) | | 2004/288 |

| <i>Provision</i> | <i>Commencement</i> | <i>S.I. No</i> |
|--|---------------------|----------------|
| Paragraphs 53 and 54 | | 2005/2925 |
| Paragraphs 55 to 59 | | 2004/288 |
| Paragraph 60 (partially) | | 2004/288 |
| 1.4.2006 (remainder) | | 2005/2925 |
| Paragraph 61 | | 2005/2925 |
| Paragraphs 62 and 63 | | 2004/288 |
| Paragraph 64 | | 2005/2925 |
| Paragraphs 65 and 67(a) | | 2004/288 |
| Paragraph 66 | | 2005/2925 |
| Paragraph 67(b) | | 2005/2925 |
| Paragraph 68 | | 2005/38 |
| Paragraph 69 (partially) | | 2005/2925 |
| 1.4.2006 (remainder) | | |
| Paragraphs 70, 71, 73 and 74 | | 2004/288 |
| Paragraph 72 | | 2005/2925 |
| Schedule 2 | | 2004/2626 |
| Schedule 4 (partially) and Schedule 4.2004 (partially) | | 2004/288 |
| | | 2005/38 |

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| <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|----------------|
| 1.1.2005 (partially) England | 2005/2925 |
| 1.12.2005 (partially) and 1.4.2006 (partially) | 2006/1680 |
| 1.9.2006 (partially) | |
| Schedule 1 Schedule 1 (partially) | 2004/759 |
| 1.4.2005 (partially) | 2005/457 |
| 1.12.2005 (partially) | 2005/2925 |
| 1.4.2006 (partially) | 2005/2925 |
| 27.10.06 (partially) | 2006/2817 |