

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(a).

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(b);

“the 1999 Act” means the Road Traffic (NHS Charges) Act 1999(c); 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(d).

(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(e)—

(a) sections 151 to 164(f);

(b) sections 166 to 168; and

(c) Schedule 10.

(a) 2003 c. 43. Section 199(2) defines the “appropriate authority”.

(b) 1988 c.52.

(c) 1999 c.3.

(d) 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.

(e) 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.

(f) 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).

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

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>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1	1.4.2004	2004/759
Sections 2 to 4	1.1.2004	2003/3346
Sections 5 to 20	1.4.2004	2004/759
Sections 22 to 35	1.4.2004	2004/759
Section 36	1.1.2004	2003/3346
Sections 37 to 39	1.4.2004	2004/759
Section 40	1.1.2004	2003/3346
Section 41	8.1.2004	2003/3346
Section 42	1.1.2004	2003/3346
Section 43	11.3.2004	2004/759
Sections 44 to 46	1.4.2004	2004/759
Sections 48 and 49	1.4.2004	2004/759
Section 50(1)	1.4.2004 (partially) and 1.4.2006 (partially) 1.4.2007 (partially) 1.4.2008 (remainder)	2004/759(a)
Section 50(2) and (3)	1.4.2005	2004/759
Section 50(4)	1.4.2006	2004/759(b)
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3), (5) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2005	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2004	2004/759
Section 52(5)	1.4.2005	2004/759
Section 53	1.4.2004 (remainder)	2004/759
Sections 54 to 56	1.4.2004	2004/759
Section 57	1.4.2004 (remainder)	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 76 to 84	1.4.2004	2004/759
Section 85 as to England	1.4.2005	2005/457
Section 86 as to England	30.10.2005	2005/2925(c)
Sections 87 to 91	1.4.2004	2004/759
Sections 102 to 104	1.4.2004	2004/759
Section 105(1) and (2)	30.10.2005 (partially)	2005/ 2925

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

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

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

Section 105(1) and (6) as to England	27.6.2006 (partially)	2006/1680
Section 105(1) and (6)	1.8.2006 (remainder)	2006/1680
Section 105(3) to (5) and (7)	1.8.2006	2006/1680
Section 106	1.4.2004	2004/759
Section 108	1.4.2004	2004/759
Sections 110 and 111	1.4.2004	2004/759
Section 112	11.3.2004	2004/759
Section 113(1), (3) and (4) as to England	1.9.2006	2006/1680
Section 114(1), (2), (5) and (6) as to England	1.9.2006	2006/1680
Section 115 as to England	1.9.2006	2006/1680
Section 117 as to England	17.1.2005 (partially) 30.12.05 (remainder)	2005/38 2005/2925
Sections 118 and 119	1.6.2004	2004/759
Sections 120 and 121	1.4.2004	2004/759
Sections 123 to 141	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England	1.1.2004 (partially)	2003/3346
Section 147	8.1.2004 (partially)	2003/3346
Section 147	11.3.2004 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to England	1.3.2004 (partially) and 1.4.2004 (remainder)	2004/288(a)
Section 170 as to England	1.1.2006 (partially) and 1.4.2006 (remainder)	2005/2925
Section 171(1) as to England	1.1.2006 (partially) and 1.4.2006 (remainder)	2005/2925
Section 171(2) as to England	1.4.2006	2005/2925
Section 172(1) as to England	1.12.2005 (partially) and 1.1.2006 (remainder)	2005/2925
Section 172(2) as to England	1.4.2006	2005/2925
Section 173 as to England	1.12.2005	2005/2925
Section 175(1) as to England	3.2.2004 (partially)	2004/288
Section 175(1)	1.3.2004	2004/288
Section 175 as to England	1.4.2004 (remainder)	2004/288
Section 176 as to England	3.2.2004	2004/288
Section 177(1) and (2) as to England	3.2.2004 (partially) and 1.3.2004 (partially) 1.12.2005 (remainder)	2004/288 2005/2925
Section 177(3) to (11) as to England	1.3.2004 (partially) 1.12.2005 (remainder)	2004/288 2005/2925
Section 177(12) as to England	1.4.2004 (partially) 1.4.2006 (remainder)	2004/288 2005/2925
Section 178 as to England	1.4.2004 (partially) 1.4.2006 (remainder)	2004/288 2005/2925
Section 179(1) as to England	3.2.2004 (partially) 1.12.2005 (remainder)	2004/288 2005/2925

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

Section 179(2) as to England	3.2.2004	2004/288
Section 180 as to England	1.3.2004 (partially)	2004/288
	1.1.2006 (remainder)	2005/2925
Section 181	1.4.2006	2005/2925
Section 182(1) as to England	1.12.2005	2005/2925
Section 183 as to England	1.11.2005 (partially) and 1.4.2006 (remainder)	2005/2925
Section 184 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
	17.1.2005 (partially)	2005/38
	1.12.2005 (partially)	2005/2925
	1.4.2006 (partially)	2005/2925
Section 185	12.8.05 (partially), 7.10.05 (partially) and 27.10.06 (remainder)	2005/2278 2006/2817
Sections 187 and 188	19.10.2004	2004/2626
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 196	1.4.2004 (partially)	2004/759
Section 196	17.1.2005 (partially)	2005/38
Section 196	1.4.2005 (partially)	2005/457
Section 196	7.10.2005 (partially)	2005/2278
Section 196	27.10.06 (partially)	2006/2817
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2004/759
Schedule 6	8.1.2004	2003/3346
Schedule 7	1.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		
Paragraph 1	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	1.4.2004	2004/759
Paragraphs 3 and 5 to 8	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	1.6.2004	2004/759
Paragraph 10	1.4.2004	2004/759
Paragraph 11	1.6.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraph 14	1.4.2004	2004/759
Paragraph 16	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 17 to 22	1.4.2004	2004/759
Paragraph 23(a)	1.4.2004	2004/759
Paragraph 23(b)	11.3.2004 (partially)	2004/759
Paragraphs 24 to 26	1.4.2004	2004/759
Paragraph 27	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 28 to 30	1.4.2004	2004/759
Paragraph 31	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 32	1.4.2004	2004/759
Schedule 11		
Paragraph 1	1.4.2004	2004/288
Paragraph 2	1.4.2004 (partially) 1.4.2006 (remainder)	2004/288 2005/2925

Paragraph 3(1), (2)(a) and (3) to (5)	1.4.2004 (partially)	2004/288
Paragraph 3	1.4.2006 (remainder)	2005/2925
Paragraphs 4 to 6	1.4.2004	2004/288
Paragraph 7	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
	1.12.2005 (partially) and 1.4.2006 (partially)	2005/2925
Paragraph 8	1.3.2004	2004/288
Paragraph 9	1.4.2004	2004/288
Paragraphs 12 and 13	1.4.2004	2004/288
Paragraphs 14 and 15	1.3.2004 (partially)	2004/288
	1.12.2005 (remainder)	2005/2925
Paragraphs 16 and 17	1.3.2004 (partially)	2004/288
Paragraph 20	1.4.2004 (partially)	2004/288
Paragraph 21(1) and (3)	1.4.2004 (partially)	2004/288
Paragraph 22	1.4.2004 (partially)	2004/288
Paragraph 23	3.2.2004 (partially) and 1.4.2004 (partially)	2004/288
	1.12.2005 (partially)	2005/2925
Paragraphs 17 to 23	1.4.2006 (remainder)	2005/2925
Paragraph 24(a)	1.4.2004	2004/288
Paragraph 24(b)	1.4.2006	2005/2925
Paragraph 25	1.4.2004	2004/288
Paragraph 26	1.3.2004 (partially)	2004/759
Paragraph 26	1.4.2004 (remainder)	2004/288
Paragraph 27	1.4.2004	2004/288
Paragraphs 28 to 35	1.4.2006	2005/2925
Paragraph 36(a)	1.4.2004	2004/288
Paragraph 36(b)	1.4.2006	2005/2925
Paragraph 37	1.4.2004	2004/288
Paragraph 38	3.2.2004	2004/288
Paragraph 39	1.12.05	2005/2925
Paragraph 41	1.4.2006	2005/2925
Paragraphs 42 to 44	1.4.2004	2004/288
Paragraph 46(1), (2)(b) and (3)(b) and (c)	1.4.2006	2005/2925
Paragraphs 47 to 49	1.4.2004	2004/288
Paragraph 50	1.4.2006	2005/2925
Paragraphs 51 and 52	1.4.2004	2004/288
Paragraph 53	1.4.2004 (partially)	2004/288
Paragraphs 53 and 54	1.4.2006	2005/2925
Paragraphs 55 to 59	1.4.2004	2004/288
Paragraph 60	1.4.2004 (partially)	2004/288
	1.4.2006 (remainder)	2005/2925
Paragraph 61	1.4.2006	2005/2925
Paragraphs 62 and 63	1.4.2004	2004/288
Paragraph 64	1.4.2006	2005/2925
Paragraphs 65 and 67(a)	1.4.2004	2004/288
Paragraph 66	1.4.2006	2005/2925
Paragraph 67(b)	1.4.2006	2005/2925
Paragraph 68	17.1.2005	2005/38
Paragraph 69	1.4.2004 (partially)	2005/2925
	1.4.2006 (remainder)	
Paragraphs 70, 71, 73 and 74	1.4.2004	2004/288

Paragraph 72	1.4.2006	2005/2925
Schedule 12	19.10.2004	2004/2626
Schedule 14 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
	17.1.2005 (partially)	2005/38
	1.12.2005 (partially) and 1.4.2006 (partially)	2005/2925
	1.9.2006 (partially)	2006/1680
Schedule 14	1.4.2004 (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

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