

2017 No. 810 (C. 68)

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

NATIONAL HEALTH SERVICE, SCOTLAND

**HEALTH AND PERSONAL SOCIAL SERVICES,
NORTHERN IRELAND**

The Health Act 1999 (Commencement No. 17) Order 2017

Made - - - -

31st July 2017

The Secretary of State makes the following Order in exercise of the powers conferred by section 67(1) and (2) of the Health Act 1999(a).

Citation

1. This Order may be cited as the Health Act 1999 (Commencement No. 17) Order 2017.

Appointed Day

2. 7th August 2017 is the day appointed for the coming into force of the following provisions—
 - (a) subsection (8) of section 33 (powers relating to voluntary schemes);
 - (b) section 35 (statutory schemes);
 - (c) subsection (10) of section 37 (enforcement);
 - (d) section 38 (controls: supplementary) in so far as it is not already in force.

Signed by authority of the Secretary of State for Health.

31st July 2017

O'Shaughnessy
Parliamentary Under-Secretary of State,
Department of Health

(a) 1999 c.8. Sections 26 to 39 of the Health Act 1999 were repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 (c.43) to the extent that they were brought into force before the coming into force of that Act. The provisions of the Health Act 1999 which are being commenced by article 2 of this Order are, by virtue of section 277(3) and (4) of the National Health Service Act 2006 (c.41), re-enacted as sections 261(8), 263, 265(10) and 266 of that Act and come into force immediately after that re-enactment.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 7th August 2017 sections 33(8), 35, 37(10) and 38 of the Health Act 1999, in so far as they are not already in force. These provisions relate to the control of prices of health service medicines and profits which may accrue in connection with the manufacture or supply of those medicines.

By way of section 277(3)(a) and (4) of the National Health Service Act (“the 2006 Act”), the commencement of these provisions of the Health Act 1999 brings into force their re-enactment in the National Health Service Act 2006 and also their repeal by virtue of provision in section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006.

The commencement of section 33(8) of the Health Act 1999 brings into force its re-enactment as section 261(8) of the 2006 Act which provides the Secretary of State with the power to prohibit a manufacturer or supplier to whom a voluntary scheme (as referred to in section 261(1) of that Act) applies from increasing the prices of health service medicines covered by the scheme without the approval of the Secretary of State and to provide for any amount representing such an increase to be paid to the Secretary of State.

The commencement of section 35 of the Health Act 1999 brings into force its re-enactment as section 263 of the 2006 Act which provides the Secretary of State with the power to make statutory schemes in accordance with the provisions set out at section 35.

The commencement of section 37(10) of the Health Act 1999 brings into force its re-enactment as section 265(10) of the 2006 Act which provides the Secretary of State with the power to make an order to increase the level of penalty that a person acting in contravention of certain provisions in the 2006 Act may be liable for.

The commencement of section 38 of the Health Act 1999 brings into force its re-enactment as section 266 of the 2006 Act in so far as it is not already in force, and in this respect, in so far as it relates to sections 33(8) and section 35. Section 266 sets out supplementary provisions in relation to the exercise of the medicines pricing and profit control powers.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health Act 1999 have been brought into force by commencement order made before the date of this Order. In addition to the provisions listed below, various provisions of Part 2 of, and Schedules 4 and 5 to, the Act that extend only to Scotland have been brought into force on 1st October 1999 by the Health Act 1999 (Commencement No.4) Order 1999, S.S.I. 1999/90 (C.66), on 14th October 1999 by the Health Act 1999 (Commencement No.6) (Scotland) Order 1999, S.S.I. 1999 No. 115 (C.73), on 1st March 2000 by the Health Act 1999 (Commencement No.7) (Scotland) Order 2000, S.S.I. 2000 No. 38 (C.2) and on 31st January 2004 and 4th March 2004 by the Health Act 1999 (Commencement No. 14) (Scotland) Order 2004, S.S.I. 2000 No. 32 (C.2).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.1 as to England	1.10.99	1999/2540
as to Wales	1.4.00	2000/1026
s. 2 as to England		
(partially)	8.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s.3 as to England	1.4.00	1999/2342
s.4 as to England		
(partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342

s. 5 as to England (partially)	4.1.00	1999/2342
s. 6(1) as to England	4.1.00	1999/2342
s. 6(2) as to England	1.4.00	2004/289
s. 7 as to England	4.1.00	1999/2342
s.8 as to England	1.9.99	1999/2342
s. 9 as to England	1.4.00	1999/2793
as to Wales	1.4.00	2000/1041
s.11 as to England	1.9.99	1999/2342
as to Wales	1.4.00	2000/1026
s.12 as to England		
(partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
as to Wales (partially)	1.12.99	1999/3184
ss.13 and 14 as to England	1.10.99	1999/2540
as to Wales	1.11.99	1999/3184
ss. 15 to 17 as to England	1.9.99	1999/2342
as to Wales	1.11.99	1999/3184
s. 18 as to England		
(partially)	1.11.99	1999/2793
(remainder)	4.1.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s.19	1.11.99	1999/2793
s.20 as to England and Wales	1.11.99	1999/2793
(partially)		
as to England (remainder)	4.1.00	1999/2793
s.21 as to England	4.1.00	1999/2793
as to Wales	1.4.00	2000/1041
ss. 23 to 25	1.11.99	1999/2793
ss. 26 to 27 as to England	1.4.00	1999/2793
as to Wales (partially)	1.12.00	2000/2991
s.28 as to England	1.4.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s.29 as to England		
(partially)	1.11.99	1999/2793
(remainder)	1.4.00	1999/2793
as to Wales (partially)	1.12.00	2000/2991
ss. 30 to 32 as to England	1.4.00	1999/2793
ss. 30 to 31 as to Wales	1.12.00	2000/2991
(partially)		
s.32 as to Wales	1.1.01	2000/2991
s.33(1) to (6) (partially)	1.9.99	1999/2177
s.33(7) (except in so far as it relates to subsection (8) of section 33 and to section 35)	3.4.07	2007/1179
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s.36 (partially)	3.8.99	1999/2177
s. 36 (remainder)	3.4.07	2007/1179
s.37 (partially)	3.8.99	1999/2177
s.37(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177

(in so far as not already in force except in so far as it relates to sections 33(8) and 35)	3.4.07	2007/1179
s. 39 as to England	1.11.99	1999/2793
as to Wales	9.02.01	2001/270
s.41	1.4.00	1999/2793
ss.42 to 44	1.10.99	1999/2540
s.60 (partially)	15.3.00	2000/779
(partially)	11.5.01	2001/1985
(partially)	1.4.02	2002/1167
(partially)	9.7.03	2003/1689
as to England (partially)	1.8.04	2004/1859
s.62	3.8.99	1999/2177
s.63	3.8.99	1999/2177
s.64	3.8.99	1999/2177
Schedule 1		
as to England (partially)	8.9.99	1999/2342
as to England (partially)	4.1.00	1999/2342
as to England (remainder)	1.4.00	1999/2342
Schedule 2		
as to England and Wales	1.11.99	1999/2793
paragraphs 15 to 19 as to Scotland	11.5.01	2001/1985
paragraphs 17 to 19 as to Northern Ireland	11.5.01	2001/1985
Schedule 4 (and s.65(1) in so far as it relates to the paragraphs specified below) – paragraphs 4 (partially), 6, 9 (partially), 12(1) (partially), 12(3)(b), 24, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 37(5) and (6), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1) (partially), 83(4), 84, 88(1) (partially) and 88(5) as to England	1.9.99	1999/2342
paragraphs 8 (partially), 15, 27(a) (partially), 71 (partially), 83(1) (partially), 83(6), 85(1) (partially), 85(3) and (4), 88(1) (partially), 88(6) and 90 as to England	1.10.99	1999/2540
paragraphs 4 (partially), 14 (1), (3) and (4) (partially), 14(2) and paragraph 36 as to England	1.11.99	1999/2793
paragraphs 74 (partially), 76(a)(ii), 81(1) (partially) and 81(2)(b) as to England and Wales	1.11.99	1999/2793
paragraphs 4 (partially), 37(1)	1.11.99	1999/3184

(partially), 37(5) and (6), 79(1) (partially) and 79(2)(a) and (c) as to Wales		
paragraphs 4 (partially), 5, 6, 9 (partially), 12(1) (partially), 12(3)(b), 15, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1), (partially), 83(4), 88(1) (partially) and 88(5) as to Wales	1.12.99	1999/3184
paragraphs 1, 3, 4 (partially), 5, 7, 9 (remainder), 10, 11, 12 (remainder), 13, 23, 25, 27(a) (remainder), 28, 29, 30 (remainder), 34 (remainder), 37 (remainder), 38(1) (partially), 38(2)(a) and (c), 38(3) (remainder), 40, 71 (remainder), 74 (partially), 77 to 79, 81 (except (2)(b)), 83(1) to (5) and (7) (remainder), 87, 88(1) to (5) (remainder) and 89 as to England	4.1.00	1999/2342
paragraphs 74 (partially), 76(a)(i), 85(1) (partially) and 85(2)(a) as to England and Wales	4.1.00	1999/2342
paragraphs 4 (partially) and 16 as to England	4.1.00	1999/2540
paragraphs 4 (partially), 31 (remainder), 33 and 35 as to England	1.4.00	1999/2540
paragraphs 4 (partially), 14 (remainder) and 72 as to England	1.4.00	1999/2793
paragraphs 73, 74 (partially), 82 and 86 as to England and Wales	1.4.00	1999/2342
paragraphs 4 (partially), 27(b), 38(1) (partially), 38(2)(b) and (d) and 65 to 69 as to England and Wales	1.4.00	1999/2793
paragraphs 4 (partially), 8 (partially), 24, 27(a) (partially), 71(a) and (b), 74 (partially), 83(6), 84, 85(4) and 90 as to Wales	1.4.00	2000/1026
paragraphs 4 (partially) and 14 (partially) as to Wales	1.12.00	2000/2991
paragraphs 4 (partially), 14 (partially) and 72 as to Wales	1.1.01	2000/2991
paragraph 4 (partially) and 8	1.8.04	2004/1859

(fully) as to England paragraphs 73 and 86 (as to Scotland and Northern Ireland) Schedule 5 (and s.65(2)) –	11.5.01	2001/1985
as to England (partially)	1.10.99	1999/2540
as to England (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.4.00	1999/2793
as to the United Kingdom (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.4.00	2000/1041
as to England and Wales (partially)	9.2.01	2001/270
as to the United Kingdom (partially)	11.5.01	2001/1985
as to the United Kingdom (partially)	1.4.02	2002/1167
as to the United Kingdom (partially)	9.7.03	2003/1689
as to England (partially)	1.8.04	2005/1859
as to the United Kingdom (partially)	1.8.04	2004/1859

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