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WELSH STATUTORY INSTRUMENTS

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**2013 No. 1112 (W.118) (C.48)**

**NATIONAL HEALTH SERVICE, WALES**

**The Health Act 2006 (Commencement  
No. 3) (Wales) Order 2013**

*Made*     -     -     -     -

*7 May 2013*

The Welsh Ministers make the following Order in exercise of the powers contained in section 83(5) (b) of the Health Act 2006<sup>(1)</sup>.

**Title, application and interpretation**

- 1.—(1) The title of this Order is the Health Act 2006 (Commencement No. 3) (Wales) Order 2013.
- (2) This Order applies in relation to Wales.
- (3) In this Order, “the Act” (“*y Ddeddf*”) means the Health Act 2006.

**Appointed day for provisions relating to power to charge**

2. 9 May 2013 is the appointed day for the coming into force of section 34 of the Act in so far as it applies in relation to Wales.

7 May 2013

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers.

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<sup>(1)</sup> 2006 c. 28.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## EXPLANATORY NOTE

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

This Order is the third commencement order made by the Welsh Ministers under the Health Act 2006 (“the Act”).

This Order brings into force in Wales section 34 of the Act insofar as section 34 applies in relation to Wales. Section 34 applies in relation to England and Wales. It inserts section 42A (Power to charge: England) and section 42B (Power to Charge: Wales) into the National Health Service Act 1977 (c. 49). Section 34 has already been commenced in relation to England by S.I.2006/3125 (which specifically provided that the functions of the National Assembly for Wales under section 42B of the National Health Service Act 1977 were not brought into force by that Order).

Section 34 contains a power enabling charges to be made for applications for inclusion in or amendment to a pharmaceutical list.

In accordance with section 208(4) and (5) of the National Health Service (Wales) Act 2006 (c. 42), the effect of commencing section 34 of the Act, will be to commence section 85 of the National Health Service (Wales) Act 2006 (Power to charge).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 1 to 3 and 5 to 12	2.4.2007 (in relation to Wales)	O.S. 2007/204 (W.18)
Sections 1 to 12 (other than section 5(4))	1.7.2007 (in relation to England)	2007/1375 (C.57)
Section 5(4)	1.7.2007 (in relation to England, Scotland and Northern Ireland)	2007/1375 (C.57)
Section 13	1.7.2007 (in relation to England and Wales)	2007/1375 (C.57)
Sections 14 to 16	1.10.2006	2006/2603 (C.88)
Sections 17 to 25	1.1.2007 (in relation to England) and 1.3.2007 (in relation to Scotland)	2006/3125 (C.108)
Sections 17 to 25	13.12.2008 (in relation to Wales in so far as they are not already in force).	O.S. 2008/3171 (W.288) (C.144)
Section 33	1.10.2006	2006/2603 (C.88)
Sections 34 and 35	28.2.2007 (partially)	2006/3125 (C.108)
Sections 37 to 42	1.8.2008	2008/1972 (C.96)
Section 43	1.5.2008	2008/1147 (C.50)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 44 to 55	1.2.2007 (in relation to Wales)	<a href="#">O.S. 2007/204 (W.18)</a>
Sections 44 to 55	22.4.2008 (in relation to England)	<a href="#">2008/1147 (C.50)</a>
Section 56	1.10.2006 (partially)	<a href="#">2006/2603 (C.88)</a>
	1.2.2007 (in relation to Wales)	<a href="#">O.S. 2007/204 (W.18)</a>
Section 57	1.10.2006	<a href="#">2006/2603 (C.88)</a>
Sections 58 to 62	28.9.2006 (partially) and 1.10.2006 (remainder)	<a href="#">2006/2603 (C.88)</a>
Sections 63 to 69	1.10.2006	<a href="#">2006/2603 (C.88)</a>
Section 70	28.9.2006 (partially) and 1.10.2006 (remainder)	<a href="#">2006/2603 (C.88)</a>
Section 71	28.9.2006 (partially) and 1.10.2006 (remainder)	<a href="#">2006/2603 (C.88)</a>
Section 72	28.4.2008	<a href="#">2008/1147 (C.50)</a>
Section 73	29.1.2007 (except in so far as it extends to Scotland)	<a href="#">2006/3125 (C.108)</a>
Section 73	29.1.2007 (in relation to Scotland)	<a href="#">SSI 2007/9 (C.1)</a>
Sections 76 to 78	2.4.2007 (in relation to Wales so far as they relate to offences under Chapter 1 of Part 1)	<a href="#">O.S. 2007/204 (W.18)(C.9)</a>
Sections 76, 77 and 78	13.12.2008 (in relation to Wales so far as they relate to offences under Chapter 1 of Part 3)	<a href="#">O.S. 2008/3171 (W.288) (C.144)</a>
Sections 76 and 77	1.7.2007 (in relation to England so far as they relate to offences under Part 1)	<a href="#">2007/1375 (C.57)</a>
Sections 76 and 77	22.4.2008 (in relation to England and Scotland, so far as they relate to offences under Chapter 1 of Part 3)	<a href="#">2008/1147 (C.50)</a>
Section 78	22.4.2008 (in relation to England, so far as it relates to offences under Chapter 1 of Part 3)	<a href="#">2008/1147 (C.50)</a>
Section 80(1)	1.10.2006 (partially)	<a href="#">2006/2603 (C.88)</a>
	29.1.2007 (in relation to Scotland — partially)	<a href="#">SSI 2007/9 (C.1)</a>
	1.2.2007 (in relation to Wales — partially)	<a href="#">O.S. 2007/204 (W.18)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
	1.8.2008 (partially)	2008/1972 (C.96)
Section 80(2)	1.10.2006 (partially)	2006/2603 (C.88)
	1.2.2007 (in relation to Wales — partially)	O.S. 2007/204 (W.18)
	1.8.2008 (partially)	2008/1972 (C.96)
Schedules 1 and 2	2.4.2007 (in relation to Wales)	O.S. 2007/204 (W.18)
	1.7.2007 (in relation to England)	2007/1375 (C.57)
Schedule 3	1.10.2006 (partially)	2006/2603 (C.88)
	1.2.2007 (in relation to Wales)	O.S. 2007/204 (W.18)
Schedule 4	1.10.2006	2006/2603 (C.88)
Schedules 5 and 6	28.9.2006 (partially) and	2006/2603 (C.88)
	1.10.2006 (remainder)	2006/2603 (C.88)
Schedule 7	1.10.2006	
Schedule 8		
paragraphs 1 to 5	1.10.2006	2006/2603 (C.88)
paragraphs 6 to 23	1.8.2008	2008/1972 (C.96)
paragraph 24	1.10.2006 (partially)	2006/2603 (C.88)
	1.2.2007 (in relation to Wales — partially)	O.S. 2007/204 (W.18)
	1.8.2008 (remainder)	2008/1972 (C.96)
paragraph 25	1.8.2008	2008/1972 (C.96)
paragraphs 26 to 28	1.10.2006	2006/2603 (C.88)
paragraph 29	1.8.2008	2008/1972 (C.96)
paragraph 31	1.10.2006	2006/2603 (C.88)
paragraphs 32 to 34	1.8.2008	2008/1972 (C.96)
paragraph 35	1.10.2006	2006/2603 (C.88)
paragraphs 39 to 42	1.10.2006 (partially)	2006/2603 (C.88)
paragraph 43	1.2.2007 (in relation to Wales — partially)	O.S. 2007/204 (W.18)
paragraph 44	1.10.2006 (partially)	2006/2603 (C.88)
	1.2.2007 (in relation to Wales — partially)	O.S. 2007/204 (W.18)
paragraph 45(1) and (2)	1.10.2006 (partially)	2006/2603 (C.88)
	1.8.2008 (remainder)	2008/1972 (C.96)
paragraph 45(3)	1.10.2006	2006/2603 (C.88)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
paragraph 46	1.8.2008	<a href="#">2008/1972 (C.96)</a>
paragraphs 47 and 48	1.10.2006	<a href="#">2006/2603 (C.88)</a>
paragraph 49	1.10.2006 (partially)	<a href="#">2006/2603 (C.88)</a>
paragraph 50	1.8.2008	<a href="#">2008/1972 (C.96)</a>
paragraphs 51 and 52	1.10.2006	<a href="#">2006/2603 (C.88)</a>
paragraph 55	29.1.2007 (in relation to Scotland)	<a href="#">SSI 2007/9 (C.1)</a>
paragraphs 56 to 61	1.10.2006	<a href="#">2006/2603 (C.88)</a>
paragraph 62	1.2.2007 (in relation to Wales — partially)	<a href="#">O.S. 2007/204 (W.18)</a>
Schedule 9	1.10.2006 (partially)	<a href="#">2006/2603 (C.88)</a>
	1.2.2007 (in relation to Wales — partially)	<a href="#">O.S. 2007/204 (W.18)(C.9)</a>
	1.8.2008 (partially)	<a href="#">2008/1972 (C.96)</a>