

**1999 No. 2342 (C. 60)**

**NATIONAL HEALTH SERVICE, ENGLAND AND WALES**

**The Health Act 1999 (Commencement No. 2) Order 1999**

*Made - - - - 18th August 1999*

The Secretary of State for Health, in exercise of powers conferred on him by section 67(1) and (2) of the Health Act 1999<sup>(a)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, interpretation and extent**

- 1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 2) Order 1999.
- (2) In this Order—
  - “the Act” means the Health Act 1999;
  - “the 1977 Act” means the National Health Service Act 1977<sup>(b)</sup>.
- (3) This Order extends to England and article 2(3)(b) and (4)(b) extends also to Wales.

**Appointed days**

- 2.—(1) 1st September 1999 is the day appointed for the coming into force, to the extent there specified, of each provision of the Act specified in column 1 of Schedule 1 to this Order.
- (2) 8th September 1999 is the day appointed for the coming into force of—
  - (a) section 2(1) of the Act in so far as it relates to section 16A(4) and (5) of the 1977 Act (consultation requirements);
  - (b) section 2(1) and (2) of, and Schedule 1 to, the Act in so far as they relate to paragraphs 20(2) and (3) and 23(3) of Schedule 5A to the 1977 Act (further consultation requirements) and section 16A(6) of the 1977 Act in so far as it relates to those paragraphs.
- (3) 4th January 2000 is the appointed day for the coming into force—
  - (a) to the extent there specified, of each provision of the Act specified in column 1 of Schedule 2 to this Order; and
  - (b) of the following paragraphs of Schedule 4 to the Act (amendments of enactments) and section 65(1) of the Act in so far as it relates to those paragraphs—
    - (i) paragraph 76(a)(i) and paragraph 74 in so far as it relates to that paragraph,
    - (ii) paragraph 85(2)(a) and paragraph 85(1) in so far as it relates to that paragraph.

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<sup>(a)</sup> 1999 c. 8. The power of the Secretary of State under section 67 of the Act to appoint a day for the coming into force in relation to Wales of any of the provisions listed in section 66(2)(a) to (c) of the Act are exercisable instead by the National Assembly for Wales by virtue of section 66(2) of the Act.

<sup>(b)</sup> 1977 c. 49.

- (4) 1st April 2000 is the appointed day for the coming into force—
- (a) to the extent there specified, of each provision of the Act specified in column 1 of Schedule 3 to this Order;
  - (b) of the following paragraphs of Schedule 4 to the Act (amendments of enactments) and section 65(1) of the Act in so far as it relates to those paragraphs—
    - (i) paragraph 73,
    - (ii) paragraph 82 and paragraph 74 in so far as it relates to that paragraph,
    - (iii) paragraph 86.

Signed by authority of the Secretary of State for Health

18th August 1999

*John Hutton*  
Parliamentary Under Secretary of State,  
Department of Health

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST SEPTEMBER 1999

Column (1) <i>Provision of the Act</i>	Column (2) <i>Subject matter</i>
Section 4– subsection (1) to the extent that it inserts paragraphs 1 to 3 and 7 of Schedule 12A to the 1977 Act, except in so far as paragraph 7(3) relates to a Primary Care Trust	Expenditure of Health Authorities
subsection (2), paragraphs (a) and (b) and, in so far as it relates to the provisions of subsection (1) specified above, paragraph (c)	Expenditure of Health Authorities
subsection (3)	Expenditure of Health Authorities
subsection (4) in so far as it relates to the above-mentioned provisions of section 4	Expenditure of Health Authorities
Section 8	Payments to Health Authorities relating to their past performance
Section 11 (except that the references in subsection (3) of section 44 of the 1977 Act inserted by subsection (4), to arrangements made under section 28C of the 1977 Act are brought into force for the purposes only of pilot schemes under Part I of the National Health Service (Primary Care) Act 1997)	Local representative committees
Section 12– subsection (1) to the extent that it relates to the substitution of new sections 16D and 17 of the 1977 Act except in so far as they relate to Primary Care Trusts and section 28 of the Act subsection (2) subsection (3) and (4), in so far as they relate to subsection (1) subsection (5)	Directions to Health Authorities, Special Health Authorities and NHS trusts
Section 15	Public dividend capital of NHS trusts
Section 16	Conversion of initial loans of existing NHS trusts
Section 17	Borrowing by NHS trusts
Section 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	Amendments of enactments

Column (1) <i>Provision of the Act</i>	Column (2) <i>Subject matter</i>
<p>Schedule 4–</p> <p>paragraph 4 (in so far as it relates to any of the paragraphs 6 to 41 specified below)</p> <p>paragraph 6</p> <p>paragraph 9 (to the extent that it relates to the substitution of new section 16 of the 1977 Act except in so far as it relates to Primary Care Trusts)</p> <p>paragraph 12(3)(b) and paragraph 12(1) in so far as it relates to it</p> <p>paragraphs 24 and 26</p> <p>paragraph 30(2) and paragraph 30(1) in so far as it relates to it</p> <p>paragraph 31(3) and paragraph 31(1) in so far as it relates to it</p> <p>paragraphs 32 and 34(b)</p> <p>paragraph 37(4) (only in so far as it relates to the substitution of new sections 16D and 17 of the 1977 Act by section 12(1) of the Act) and paragraph 37(1) in so far as it relates to it</p> <p>paragraph 37(5) and (6) and paragraph 37(1) in so far as it relates to it</p> <p>paragraph 38(3) (to the extent that it inserts subsection (1A) of section 128 of the 1977 Act except in so far as that subsection relates to section 17A of the 1977 Act and Primary Care Trusts) and paragraph 38(1) in so far as it relates to it</p> <p>paragraph 39</p> <p>paragraph 74 (in so far as it relates to any of the paragraphs 75 to 84 specified below)</p> <p>paragraphs 75 and 76(b)</p> <p>paragraph 83(4) and paragraph 83(1) in so far as it relates to it</p> <p>paragraph 84</p> <p>paragraph 88(5) and paragraph 88(1) in so far as it relates to it</p>	<p>Amendments of enactments</p>

SCHEDULE 2

Article 2(3)

PROVISIONS OF THE ACT COMING INTO FORCE ON 4TH JANUARY 2000

Column (1) <i>Provision of the Act</i>	Column (2) <i>Subject matter</i>
Section 2 (in so far as it is not already in force)	Primary Care Trusts
Section 5 (except that the references in section 18A as inserted by section 5 to arrangements made under section 28C of the 1977 Act are brought into force for the purposes only of pilot schemes under Part I of the National Health Service (Primary Care) Act 1997)	Primary Care Trusts: provision of services
Section 6(1)	Delegation of Health Authority functions in relation to pilot schemes under the National Health Service (Primary Care) Act 1997
Section 7	Primary Care Trusts: trust-funds and trustees
Section 12 (in so far as it is not already in force)	Directions
Section 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	Amendments of enactments
Schedule 1 (in so far as it is not already in force except in so far as it inserts paragraphs 16 and 17 of Schedule 5A to the 1977 Act)	Primary Care Trusts
Schedule 4—	
paragraphs 1 and 3	
paragraph 4 (in so far as it relates to any of the paragraphs 6 to 41 specified below)	
paragraphs 5 and 7	
paragraph 9 (in so far as it is not already in force)	
paragraphs 10 and 11	
paragraph 12 (in so far as it is not already in force)	
paragraphs 13, 23 and 25	
paragraph 27(a) (to the extent that it effects the substitution of paragraphs (b) to (d) of section 91(3) of the 1977 Act except in so far as those paragraphs relate to NHS trusts)	
paragraphs 28 and 29	
paragraphs 30, 34 and 37 (in so far as they are not already in force)	
paragraph 38(2)(a) and (c), and (3) (in so far as it is not already in force) and paragraph 38(1) in so far as it relates to it	
paragraph 40	
paragraph 71 (in so far as it effects the insertion of section 1(1B) of the Hospital Complaints Procedure Act 1985 and section 1(1C) of that Act in so far as it relates to subsection (1B))	

Column (1) <i>Provision of the Act</i>	Column (2) <i>Subject matter</i>
paragraph 74 (in so far as it relates to any of the paragraphs 75 to 84 specified below)	
paragraphs 77, 78, 79, and 81 (except (2)(b))	
paragraph 83 (in so far as it is not already in force) but not sub-paragraph (6)	
paragraph 87	
paragraph 88 (in so far as it is not already in force) but not sub-paragraph (6)	
paragraph 89	

### SCHEDULE 3

Article 2(4)

#### PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 2000

Column (1) <i>Provision of the Act</i>	Column (2) <i>Subject matter</i>
Section 3 (but only for the purposes of the financial year 2000–2001 and subsequent financial years)	Primary Care Trusts: finance
Section 4 (in so far as it is not already in force except that the provisions of Schedule 12A to the 1977 Act relating to Primary Care Trusts are brought into force only for the purposes of the financial year 2000–2001 and subsequent financial years)	Expenditure of Primary Care Trusts
Section 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	Amendments of enactments
Schedule 1 (in so far as it is not already in force except that paragraphs 16 and 17 of Schedule 5A to the 1977 Act are brought into force only for the purposes of the financial year 2000–2001 and subsequent financial years)	Primary Care Trusts
Schedule 4–	Amendments of enactments
paragraph 4 (in so far as it relates to the paragraphs of Schedule 4 specified below)	
paragraph 31 (in so far as it is not already in force)	
paragraph 33 (only for the purposes of the financial year 2000–2001 and subsequent financial years)	
paragraph 35	

## EXPLANATORY NOTE

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

This Order brings into force further provisions of the Health Act 1999 (“the 1999 Act”).

Provisions which are brought into force on 1st September 1999 relate to the funding and expenditure of Health Authorities and directions to Health Authorities, Special Health Authorities and NHS trusts. Provisions are also brought into force on that date relating to local representative committees and NHS trust finance.

Provisions concerning consultation requirements which apply before orders establishing or dissolving Primary Care Trusts, transferring staff to a Primary Care Trust and transferring the property, rights and liabilities of a dissolving Primary Trust are brought into force on 8th September 1999.

Provisions brought into force on 4th January 2000 relate to the establishment and functions of Primary Care Trusts.

The provisions which are brought into force on 1st April 2000 relate to the funding of Primary Care Trusts and their accounts.

## 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:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 33(1) to (6) (partially)	1.9.99	1999/2177
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s. 36 (partially)	3.8.99	1999/2177
s. 37 (partially)	3.8.99	1999/2177
(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (6) (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177
s. 62	3.8.99	1999/2177
s. 63	3.8.99	1999/2177
s. 64	3.8.99	1999/2177

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