
STATUTORY INSTRUMENTS

2002 No. 1095 (C.26)

**MEDICINES
NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The Health and Social Care Act 2001
(Commencement No. 8) Order 2002**

Made - - - - *5th March 2002*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 64(6) and (8) and 70(2) of the Health and Social Care Act 2001⁽¹⁾ and 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 and Social Care Act 2001 (Commencement No. 8) Order 2002.

(2) In this Order—

“the Act” means the Health and Social Care Act 2001;

“the 1977 Act” means the National Health Service Act 1977⁽²⁾;

“the 1997 Act” means the National Health Service (Primary Care) Act 1997⁽³⁾.

(3) Article 2(1) extends to England, Wales, Scotland and Northern Ireland.

(4) Article 2(2) extends to England and Wales.

(5) Article 2(3) extends to England and, except where otherwise specified in the Schedule to this Order, to Wales.

(6) Article 2(4) to (7) extends to England only.

Appointed days

2.—(1) The day appointed for the coming into force of section 63 of the Act is—

(a) for the purpose of making orders, 6th March 2002, and

(1) 2001 c. 15.

(2) 1977 c. 49.

(3) 1997 c. 46.

- (b) for all other purposes, 1st April 2002.
- (2) The day appointed for the coming into force of section 15 of the Act is—
 - (a) for the purpose of making regulations, 8th March 2002, and
 - (b) for all other purposes, 1st April 2002.
- (3) The day appointed for the coming into force of each provision of the Act specified in column 1 of the Schedule to this Order is 1st April 2002.
- (4) The day appointed for the coming into force of sections 28 to 39, and 41 of, and Schedule 2 to, the Act is 8th March 2002.
- (5) The day appointed for the coming into force of section 42 of the Act is—
 - (a) for the purpose of making regulations, 8th March 2002, and
 - (b) for all other purposes, 1st April 2002.
- (6) The day appointed for the coming into force of section 43 of the Act is 1st April 2002.
- (7) The day appointed for the coming into force of section 26(2) of the Act is 31st May 2002.

Transitional Provisions for Certificates given under Schedule 10 to the 1977 Act

3. Where before 1st April 2002 any person has asked the Medical Practices Committee for a certificate under paragraph 1(2) of Schedule 10 to the 1977 Act (prohibition, and certificate of Medical Practices Committee) and the application has not been determined by that date, that application shall have effect as if it were an application made to the Secretary of State.

Signed by authority of the Secretary of State for Health

5th March 2002

John Hutton
Minister of State,
Department of Health

SCHEDULE

Article 2(3)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1st APRIL
2002 for ENGLAND AND, UNLESS OTHERWISE SPECIFIED, WALES

| Column 1 <i>Provisions of the Act</i> | Column 2 <i>Subject matter</i> |
|---|---|
| Section 14 | Abolition of Medical Practices Committee and amendment of Schedule 10 to the 1977 Act |
| Section 19, but not as respects Wales | Enhanced criminal records certificates |
| Section 67(1) in so far as it relates to the provisions of Schedule 5 specified below | |
| Section 67(2) in so far as it relates to the provisions of Schedule 6 specified below | |
| Paragraphs 2 (but not as respects Wales), 5(2), (5), (6), (7)(a) and (b) (but not as respects Wales), (7)(c), (9), (10)(a) and 11(3) (but not as respects Wales) of Schedule 5 | Minor and consequential amendments |
| In Schedule 6, the repeals relating to— sections 7, 33(1B), 34, 85(1)(d), 100(1)(c) and 102 of the 1977 Act; Schedule 2 to the Parliamentary Commissioners Act 1967; section 115 of the Police Act 1997. | Repeals |

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

This Order is the eighth Commencement Order made under the Health and Social Care Act 2001 (“the 2001 Act”) and brings into force certain provisions of that Act.

Section 63 of the 2001 Act, which relates to the extension of prescribing rights, is brought into force partially on 6th March 2002 and fully on 1st April 2002 for England, Wales, Scotland and Northern Ireland.

Section 15 of the 2001 Act, which amends section 29B of the 1977 Act (which provides for regulations about the filling of GP vacancies), is brought into force partially on 8th March 2002 and fully on 1st April 2002 for England and Wales.

The provisions set out in Schedule 1, which relate to the abolition of the Medical Practices Committee and enhanced criminal record certificates, are brought into force on 1st April 2002 for England and, unless otherwise specified in that Schedule, Wales. Article 3 of this Order makes transitional provision for certificates given by the Medical Practices Committee under Schedule 10 to the 1977 Act.

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

Sections 28 to 39, 41 and 43 of, and Schedule 2 of the 2001 Act (which relate to local pharmaceutical schemes) are brought into force on 8th March 2002 for England only.

Section 42 of the 2001 Act, which substitutes a new section 41 in the National Health Service Act 1977 (arrangements for pharmaceutical services), is brought into force partially on 8th March and fully on 1st April 2002 for England only.

Section 43 of the 2001 Act, which makes amendments to the 1977 Act regarding the remote provision of pharmaceutical services, is brought into force on 1st April 2002 for England only.

Section 26(2) of the 2001 Act, which inserts a new section 8ZA into the National Health Service Act 1977 (lists of persons who may perform personal medical services or personal dental services), is brought into force on 31st May 2002 for England only.

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> |
|----------------------------------|--|---------------------------|
| Section 1 (partially) | 22nd October 2001 | 2001/3619 |
| Section 3 | 1st August 2001 | 2001/2804 |
| Section 4 | 1st August 2001 | 2001/2804 |
| Section 6 | 1st October 2001 | 2001/3294 |
| Section 13 | 1st August 2001 | 2001/2804 |
| Section 16 | Day referred to in article 2(4) and (5) of 2001/3738 | 2001/3738 |
| Section 17 | 14th December 2001 | 2001/3738 |
| Section 20(1) to (5) (partially) | 22nd November 2001 | 2001/3738 |
| Section 21 | 22nd November 2001 | 2001/3738 |
| Section 22 | 22nd November 2001 | 2001/3738 |
| Section 24 | 22nd November 2001 | 2001/3738 |
| Section 25 (partially) | 22nd November 2001 | 2001/2738 |
| Section 27 (partially) | 14th December 2001 | 2001/3738 |
| Section 27 (partially) | 1st October 2001 | 2001/3294 |
| Section 27 (remainder) | 1st December 2001 | 2001/3294 |
| Section 45 | 19th December 2001 | 2001/4149 |
| Section 46 (partially) | 1st August 2001 | 2001/2804 |
| Section 46 (remainder) | 19th December 2001 | 2001/4149 |
| Section 47 | 1st August 2001 | 2001/2804 |
| Section 48 | 1st August 2001 | 2001/2804 |
| Section 4 | 1st August 2001 | 2001/2804 |
| Section 49 (partially) | 1st October 2001 | 2001/3752 |
| Section 50(1) | 8th April 2002 | 2001/3752 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|--|-----------------------------|---------------------------|
| Section 50(2) to (7), (8) (remainder), (10) in England | 20th December 2001 | 2001/3752 |
| Section 51 | 8th November 2001 | 2001/3752 |
| Section 52 | 8th November 2001 | 2001/3752 |
| Section 53 | 1st October 2001 | 2001/3167 |
| Section 54 (partially) | 1st October 2001 | 2001/3167 |
| Section 55 (partially) | 1st October 2001 | 2001/3167 |
| Section 67(1) (partially) | 1st October 2001 | 2001/3294 |