
STATUTORY INSTRUMENTS

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⁽¹⁾. 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⁽²⁾;

“the 1999 Act” means the Road Traffic (NHS Charges) Act 1999⁽³⁾; 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⁽⁴⁾.

(1) [2003 c. 43](#). Section 199(2) defines the “appropriate authority”.

(2) [1988 c.52](#).

(3) [1999 c.3](#).

(4) 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.

(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⁽⁵⁾—

- (a) sections 151 to 164⁽⁶⁾;
- (b) sections 166 to 168; and
- (c) Schedule 10.

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

(5) 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.

(6) 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).

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>Date of Commencement</i>	<i>S.I. No</i>	
Section 1	1.4.2004	2004/759
Section 2 2	2003/3346	
to 4		
Section 5 5	2004/759	
to 20		
Section 22 22	2004/759	

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<i>Date of Commencement</i>	<i>S.I. No</i>
to 35	
Sec. 2004 36	2003/3346
Sec. 2004 37	2004/759
to 39	
Sec. 2004 40	2003/3346
Sec. 2004 41	2003/3346
Sec. 2004 42	2003/3346
Sec. 2004 43	2004/759
Sec. 2004 44	2004/759
to 46	
Sec. 2004 48 and 49	2004/759
Sec. 2004 (partially) and 50(1) 2006 (partially)	2004/759(7)
1.4.2007 (partially)	
1.4.2008 (remainder)	
Sec. 2005 50(2) and (3)	2004/759
Sec. 2006 50(4)	2004/759(8)
Sec. 2004 50(5)	2004/759
Sec. 2004 51(1) to (3),	2004/759

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

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

<i>Date of Commencement</i>	<i>S.I. No</i>
(5) and (6)	
Sec 2005 51(4)	2004/759
Sec 2004 52(1) to (4), (6) and (7)	2004/759
Sec 2005 52(5)	2004/759
Sec 2004 (remainder) 53	2004/759
Sec 2004 54 to 56	2004/759
Sec 2004 (remainder) 57	2004/759
Sec 2004 60 and 61	2004/759
Sec 2004 64 to 68	2004/759
Sec 2004 76 to 84	2004/759
Sec 2005 85 as to England	2005/457
Sec 2005 86 as to England	2005/2925(9)

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

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<i>Part</i>	<i>Commencement</i>	<i>S.I. No</i>
Sec 1004 87 to 91		2004/759
Sec 1004 102 to 104		2004/759
Sec 1005 (partially) 105(1) and (2)		2005/ 2925
Sec 1006 (partially) 105(1) and (6) as to England		2006/1680
Sec 1006 (remainder) 105(1) and (6)		2006/1680
Sec 1006 105(3) to (5) and (7)		2006/1680
Sec 1004 106		2004/759
Sec 1004 108		2004/759
Sec 1004 110 and 111		2004/759
Sec 1004 112		2004/759
Sec 1006 113(1), (3) and		2006/1680

<i>Date of Commencement</i>	<i>S.I. No</i>
(4) as to England	
Sec. 2006 114(1), (2), (5) and (6) as to England	2006/1680
Sec. 2006 115 as to England	2006/1680
Section 105 (partially) 117	2005/38
30.12.05 (remainder) to England	2005/2925
Sec. 2004 118 and 119	2004/759
Sec. 2004 120 and 121	2004/759
Sec. 2004 123 to 141	2004/759
Sec. 2004 146	2004/759
Sec. 2004 (partially) 147 as to England	2003/3346
Sec. 2004 (partially) 147	2003/3346

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<i>Date of Commencement</i>	<i>S.I. No</i>
Section 104 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	2003/3346
Section 174 (partially) and 1.4.2004 (remainder) to England	2004/288(10)
Section 170 (partially) and 2006 (remainder) as to England	2005/2925
Section 174 (partially) and 2006 (remainder) as to England	2005/2925
Section 171(2) as to England	2005/2925
Section 172 (partially) and 2006 (remainder) as to England	2005/2925
Section 172(2) as to England	2005/2925
Section 173 as to England	2005/2925
Section 175(1) (partially) as to England	2004/288

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

<i>Date of Commencement</i>	<i>S.I. No</i>
Sec 175(1)	2004/288
Sec 175 (remainder) as to England	2004/288
Sec 176 as to England	2004/288
Sec 177(3) (partially) and Sec 177(11) (partially) and (12).2005 (remainder) as to England	2004/288 2005/2925
Sec 177(3) (partially) th12.2005 (remainder) (11) as to England	2004/288 2005/2925
Sec 177(12) (partially) as4.2006 (remainder) to England	2004/288 2005/2925
Sec 178 (partially) as4.2006 (remainder) to England	2004/288 2005/2925
Sec 179(1) (partially) as12.2005 (remainder) to England	2004/288 2005/2925
Sec 179(2) as to England	2004/288

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<i>Date of Commencement</i>	<i>S.I. No</i>
Sec 180 180	2004/288
Sec 181 181	2005/2925
Sec 182 182	2005/2925
Sec 183 183	2005/2925
Sec 184 184	2005/2925
Sec 185 185	2005/2925
Sec 186 186	2005/2925
Sec 187 187	2004/288
Sec 188 188	2005/38
Sec 189 189	2005/2925
Sec 190 190	2005/2925
Sec 191 191	2005/2925
Sec 192 192	2005/2278
Sec 193 193	2006/2817
Sec 194 194	2004/2626
Sec 195 195	2004/759
Sec 196 196	2005/457
Sec 197 197	2004/288
Sec 198 198	2004/759
Sec 199 199	2005/38

<i>Date of Commencement</i>	<i>S.I. No</i>
Section 196 2005 (partially)	2005/457
Section 196 2005 (partially)	2005/2278
Section 196 2006 (partially)	2006/2817
Schedule 1	2004/759
Schedule 2	2003/3346
Schedules 3 to 5	2004/759
Schedule 6	2003/3346
Schedule 7	2003/3346
Schedule 8	2004/759
Schedule 9	
Paragraph 8.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	2004/759
Paragraph 5 and 8 2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	2004/759
Paragraph 10	2004/759
Paragraph 11	2004/759
Paragraph 12	2004/759
Paragraph 14	2004/759
Paragraph 1.4.2004 (remainder) 2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 17	2004/759

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<i>Division</i>	<i>Commencement</i>	<i>S.I. No</i>
to 22		
Paragraph 23(a)		2004/759
Paragraph (partially) 23(b)		2004/759
Paragraphs 24 to 26		2004/759
Paragraph (partially) 27 and 1.4.2004 (remainder)		2004/759
Paragraphs 28 to 30		2004/759
Paragraph (partially) and §11.2004 (partially)		2003/3346
Paragraph 32		2004/759
Schedule 11		
Paragraph 1		2004/288
Paragraph (partially) 2 1.4.2006 (remainder)		2004/288 2005/2925
Paragraph (partially) 3(1), (2) (a) and (3) to (5)		2004/288
Paragraph (remainder) 3		2005/2925
Paragraphs 4 to 6		2004/288
Paragraph (partially), 1.3.2004 (partially) and 1.4.2004 (partially)		2004/288 2005/2925

<i>Division</i>	<i>Commencement</i>	<i>S.I. No</i>
1.12.2005 (partially) and 1.4.2006 (partially)		
Paragraph 8		2004/288
Paragraph 9		2004/288
Paragraphs 12 and 13		2004/288
Paragraph (partially) 14		2004/288
and 12.2005 (remainder) 15		2005/2925
Paragraph (partially) 16 and 17		2004/288
Paragraph (partially) 20		2004/288
Paragraph (partially) 21(1) and (3)		2004/288
Paragraph (partially) 22		2004/288
Paragraph (partially) and 23.2004 (partially)		2004/288
1.12.2005 (partially)		2005/2925
Paragraph (remainder) 17 to 23		2005/2925
Paragraph 24(a)		2004/288
Paragraph 24(b)		2005/2925
Paragraph 25		2004/288
Paragraph (partially) 26		2004/759
Paragraph (remainder) 26		2004/288

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<i>Division</i>	<i>Commencement</i>	<i>S.I. No</i>
Paragraph 27		2004/288
Paragraphs 28 to 35		2005/2925
Paragraph 36(a)		2004/288
Paragraph 36(b)		2005/2925
Paragraph 37		2004/288
Paragraph 38		2004/288
Paragraph 39		2005/2925
Paragraph 41		2005/2925
Paragraphs 42 to 44		2004/288
Paragraph 46(1), (2) (b) and (3) (b) and (c)		2005/2925
Paragraphs 47 to 49		2004/288
Paragraph 50		2005/2925
Paragraphs 51 and 52		2004/288
Paragraph 53 (partially)		2004/288

<i>Provision</i>	<i>Commencement</i>	<i>S.I. No</i>
Paragraphs 53 and 54		2005/2925
Paragraphs 55 to 59		2004/288
Paragraph 60 (partially)		2004/288
1.4.2006 (remainder)		2005/2925
Paragraph 61		2005/2925
Paragraphs 62 and 63		2004/288
Paragraph 64		2005/2925
Paragraphs 65 and 67(a)		2004/288
Paragraph 66		2005/2925
Paragraph 67(b)		2005/2925
Paragraph 68		2005/38
Paragraph 69 (partially)		2005/2925
1.4.2006 (remainder)		
Paragraphs 70, 71, 73 and 74		2004/288
Paragraph 72		2005/2925
Schedule 2		2004/2626
Schedule 4 (partially) and Schedule 4.2004 (partially)		2004/288
		2005/38

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<i>Date of Commencement</i>	<i>S.I. No</i>
1.1.2005 (partially) England	2005/2925
1.12.2005 (partially) and 1.4.2006 (partially)	2006/1680
1.9.2006 (partially)	
Schedule 1 Schedule 1 (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