
STATUTORY INSTRUMENTS

2013 No. 160

**The Health and Social Care Act 2012 (Commencement No.4,
Transitional, Savings and Transitory Provisions) Order 2013**

Commencement of provisions

2.—(1) Insofar as they are not already in force⁽¹⁾, the following provisions of the 2012 Act shall come into force in accordance with this Order.

(2) 1st April 2013 is the day appointed for the coming into force of—

- section 1 (Secretary of State's duty to promote a comprehensive health service);
- section 2 (the Secretary of State's duty as to improvement in quality of services);
- section 3 (the Secretary of State's duty as to the NHS constitution);
- section 4 (the Secretary of State's duty as to reducing inequalities);
- section 5 (the Secretary of State's duty as to promoting autonomy);
- section 6 (the Secretary of State's duty as to research);
- section 7 (the Secretary of State's duty as to education and training);
- section 9 and Schedule 1 (the NHS Commissioning Board);
- section 10 (clinical commissioning groups);
- section 11 (the Secretary of State's duty as to protection of public health);
- section 12 (duties as to improvement of public health);
- section 13 (duties of clinical commissioning groups as to commissioning certain health services);
- section 14 (power of clinical commissioning groups as to commissioning certain health services);
- section 16 (secure psychiatric services);
- section 17 (other services etc. provided as part of the health service);
- section 18 (regulations as to the exercise by local authorities of certain public health functions);
- section 19 (regulations relating to EU obligations);
- section 22 (exercise of public health functions of the Secretary of State);
- section 23 (the NHS Commissioning Board: further provision);
- section 24 (financial arrangements for the Board);
- section 25 and Schedule 2 (clinical commissioning groups: establishment etc.);
- section 26 (clinical commissioning groups: general duties etc.);
- section 27 (financial arrangements for clinical commissioning groups);

⁽¹⁾ See section 306(1) of the 2012 Act for the provisions which came into force on the day that Act was passed, and [S.I. 2012/1319 \(C. 47\)](#), [2012/1831 \(C. 71\)](#) and [2012/2657 \(C. 107\)](#) for provisions of the 2012 Act which came into force by Order on earlier dates.

section 28 (requirement for primary medical services provider to belong to clinical commissioning group);

section 29 (other health service functions of local authorities under the 2006 Act);

section 30 (appointment of directors of public health);

section 31 (exercise of public health functions of local authorities);

section 32 (complaints about exercise of public health functions by local authorities);

sections 33 and 34 (abolition of Strategic Health Authorities and Primary Care Trusts);

section 35, other than subsection (6), and sections 36 and 37 (functions relating to fluoridation of water), in relation to England only;

sections 38, 40, 41, 43 and 45 (functions relating to mental health matters);

sections 46 and 47 (emergency powers);

section 48 (new special health authorities);

section 49 (primary care services: directions as to exercise of functions);

section 50 (charges in respect of certain public health functions);

section 51 and Schedule 3 (pharmaceutical services expenditure);

section 52 (Secretary of State's duty to keep health service functions under review);

section 53 (Secretary of State's annual report);

section 54 (certification of death);

section 56 and Schedule 7 (abolition of Health Protection Agency);

section 57 (functions in relation to biological substances);

section 58 (radiation protection functions);

section 60 (co-operation with bodies exercising functions in relation to public health);

section 62 (general duties of Monitor);

sections 72 and 73 (functions under the Competition Act 1998 and Part 4 of the Enterprise Act 2002);

section 74(1) to (6) (competition functions: supplementary);

section 75 (requirements as to procurement, patient choice and competition);

section 76 (requirements under section 75: investigations, declarations and directions);

section 77 and Schedule 9 (requirements under sections 75 and 77: undertakings);

section 80 (co-operation with the Office of Fair Trading);

section 104(2)(e) (power to require documents and information), and (4)(b) insofar as that subparagraph refers to Chapter 4 of the 2012 Act;

section 116 (the national tariff) for the purpose only of undertaking consultation under sections 118 and 119 (consultation on proposals for the national tariff);

section 117(1) to (3) (the national tariff: further provision), only insofar as it relates to the national tariff published by Monitor under section 116 of the 2012 Act, and only insofar as it relates to consultation on a proposal for the national tariff pursuant to sections 118 and 119;

sections 118 and 119 (consultation on proposals for the national tariff) only insofar as they relate to the national tariff published by Monitor under section 116 of the 2012 Act;

section 147 (Secretary of State's duty as respects variation in provision of health services);

section 151 (governors), except subsection (7);

section 152 (directors);

section 153 (members);
section 157 (meetings);
section 161 (amendment of constitution);
section 162 (panel for advising governors);
section 163(1) (financial powers etc.) for the purpose only of the first report of the Secretary of State for the financial year ending 31st March 2014 and subsequent financial years, and 163(3) to (6);
section 167 (significant transactions);
section 181 (Healthwatch England);
sections 182 to 189 (Local Healthwatch organisations);
sections 190 and 191 (scrutiny functions of local authorities), except section 190(9);
sections 192 and 193 (joint strategic needs assessments and strategies);
sections 194 to 199 (Health and Wellbeing Boards);
section 200 (care trusts);
sections 202 to 207 (primary care services);
sections 232 to 249 and Schedules 16 and 17 (the National Institute for Health and Care Excellence);
sections 250 and 251 (health and adult social care services: information);
sections 252 to 277 and Schedules 18 and 19 (the Health and Social Care Information Centre);
section 280 and Part 3 of Schedule 20 (the National Information Governance Board for Health and Social Care);
section 282 (the NHS Institute for Innovation and Improvement);
sections 284 to 287 (information relating to births and deaths etc.);
section 288(3) (Monitor: duty to co-operate with Care Quality Commission);
section 290 (other duties to co-operate);
sections 292 and 293 (the Care Quality Commission);
section 295 (arrangements between the Board and Northern Ireland Ministers);
section 296 (arrangements between the Board and Scottish Ministers etc.);
sections 300 to 302 and Schedules 22 and 23 (transfer schemes);
Schedule 4 and section 55(1) (further amendments of the 2006 Act in consequence of provision made in Part 1 of the 2012 Act);
Schedule 5 (amendments of other enactments in consequence of the provision made in Part 1 of the 2012 Act), except paragraphs 157(b) and (c), 159(b), 163 and 164 of that Schedule and paragraph 154 insofar as it relates to those paragraphs, and section 55(2) insofar as it relates to the paragraphs of Schedule 5 being brought into force;
Schedule 13, except paragraph 10, and section 150(5) insofar as it relates to the provisions of Schedule 13 being brought into force;
In Schedule 21 (amendments relating to relationships between the health services)—
(a) paragraph 2(2), (3)(d), (g), (i) and (j) and (4), 3 and 4(a) and (c), and paragraph 1 insofar as it relates to those paragraphs,
(b) paragraphs 7 and 11, and paragraph 5 insofar as it relates to those paragraphs,

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- (c) paragraph 13 to 17, 22 to 32, 34 to 37, 38, and 39 to 42, and paragraph 12 insofar as it relates to those paragraphs,
 - (d) paragraph 43(2)(a)(i) and (ii) and (f), and paragraph 43(1) insofar as it relates to those paragraphs,
- and section 297 insofar as it relates to those paragraphs.