
WELSH STATUTORY INSTRUMENTS

2005 No. 3285 (W.249) (C.140)

**NATIONAL HEALTH SERVICE, WALES
PUBLIC HEALTH, WALES
SOCIAL CARE, WALES**

The Health and Social Care (Community Health and Standards)
Act 2003 Commencement (Wales) (No. 3) Order 2005

Made - - - - 29 November 2005

Coming into force - - 30 December 2005

The National Assembly for Wales, in exercise of the powers conferred upon it by section 199(1) of the Health and Social Care (Community Health and Standards) Act 2003⁽¹⁾ hereby makes the following Order:

Title and interpretation

1.—(1) The title of this Order is the Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 3) Order 2005.

(2) In this Order, “the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003.

Appointed days

2.—(1) In relation to Wales 30 December 2005 is the day appointed for section 117 of the Act to come into force.

(2) 1 April 2006 is the day appointed for the following provisions of the 2003 Act to come into force—

- (a) sections 114(3) and (4) in relation to Wales and in so far as they are not already in force⁽²⁾;
- (b) section 116(2); and
- (c) sections 107, 114(5), 115(1), (2), (4), (5) and (6) and 116(3) in relation to Wales.

(1) 2003 c. 43. The powers are conferred upon the appropriate authority. See section 199(2) for the definition of “appropriate authority” for the purposes of section 199(1).
(2) See section 199(4) of the 2003 Act.

Status: This is the original version (as it was originally made).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

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(3)

29 November 2005

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third commencement order made by the National Assembly for Wales under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”). It brings certain provisions of the Act connected to Wales into force on either 30 December 2005 or 1 April 2006, as specified.

Article 2(1) brings into force on 30 December section 117 of the Act which extends the duty on local authorities in respect of consideration of representations to those made about special guardianship support services.

Article 2(2)(a) brings into force parts of sections 114 and 115 which make provision in relation to regulations which may be made by the Assembly about the handling and consideration of complaints about social services.

Article 2(2)(b) commences section 116(2) which inserts section 26ZB into the Children Act 1989.

Article 2(c) commences in relation to Wales, section 107, which inserts a children’s home providing secure accommodation into the definition of establishments in the Care Standards Act 2000. It also commences, in relation to Wales, section 116(3) which inserts section 26(2A) into the Children Act 1989 extending the requirement on local authorities to provide assistance for persons making representations under section 24D or 26 of that Act to further consideration of those representations.

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 in Wales by commencement orders made before the date of this Order. The provisions commenced by [SI 2003/3346](#) and [SI 2004/759](#) have been commenced in relation to England and Wales. The provisions commenced by [SI 2004/480 \(W.49\)](#) and [2004/873 \(W.88\)](#) have been commenced in relation to Wales.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1.4.2004	2004/759
Sections 2 to 4	1.1.2004	2003/3346
Sections 5 to 20	1.4.2004	2004/759
Sections 22 to 35	1.4.2004	2004/759
Section 36	1.1.2004	2003/3346
Sections 37 to 39	1.4.2004	2004/759
Section 40	1.1.2004	2003/3346
Section 41	8.1.2004	2003/3346
Section 43	11.3.2004	2004/759
Section 44	1.4.2004	2004/759
Sections 45 and 46	1.4.2004	2004/759

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 47 as to Wales	1.4.2004	2004/873 (W.88)
Sections 48 and 49	1.4.2004	2004/759
Section 50(1) (partially)	1.4.2004	2004/759
Section 50(1) (partially)	1.4.2006	2004/759
Section 50(2) and (3)	1.4.2005	2004/759
Section 50(4)	1.4.2006	2004/759
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2005	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2005	2004/759
Section 52(5)	1.4.2005	2004/759
Sections 53 to 57	1.4.2004	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 70—75 as to Wales	1.4.2004	2004/873 (W.88)
Sections 92—101, as to Wales (partially)	1.4.2004	2004/873 (W.88)
Section 102	1.4.2004	2004/759
Section 103	1.4.2004	2004/759
Section 106	1.4.2004	2004/759
Section 108	1.4.2004	2004/759
Section 109 as to Wales	1.4.2004	2004/873 (W.88)
Section 111	1.4.2004	2004/759
Sections 118 and 119	1.6.2004	2004/759
Section 120 and 121	1.4.2004	2004/759
Section 123	1.4.2004	2004/759
Section 124	1.4.2004	2004/759
Section 126	1.4.2004	2004/759
Section 128	1.4.2004	2004/759
Section 130	1.4.2004	2004/759
Section 132	1.4.2004	2004/759
Section 134	1.4.2004	2004/759
Section 136 to 138	1.4.2004	2004/759
Section 140	1.4.2004	2004/759

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 142 to 145 as to Wales	1.4.2004	2004/873 (W.88)
Section 146	1.4.2004	2004/759
Section 147 (partially)	8.1.2004	2003/3346
Section 147 as to England (partially)	11.3.2004	2004/759
Section 147 (partially)	1.4.2004	2004/759
Section 147 (partially)	1.6.2004	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to Wales (partially)	28.2.2004	2004/480
Section 174 as to Wales (partially)	1.4.2004	2004/480
Section 175 as to Wales	28.2.2004	2004/480
Section 176 as to Wales	28.2.2004	2004/480
Section 179(1) as to Wales (partially)	28.2.2004	2004/480
Section 179(2) as to Wales	28.2.2004	2004/480
Section 180 as to Wales (partially)	28.2.2004	2004/480
Section 184 as to Wales (partially)	28.2.2004	2004/480
Section 184 as to Wales (partially)	1.4.2004	2004/480
Section 189(1)	1.4.2004	2004/759
Section 196 as to Wales (partially)	1.4.2004	2004/480
Section 196 (partially)	1.4.2004	2004/759
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2004/759
Schedule 6	8.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		
Paragraphs 1, 3, 5 to 8, 13 and 31 (partially)	8.1.2004	2003/3346
Paragraphs 2, 14, 16 to 20, 22, 23(a), 25, 29 and 30	1.4.2004	2004/759

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraphs 9 and 11	1.6.2004	2004/759
Paragraphs 10, 21, 24, 26 to 28 and 32 as to England	1.4.2004	2004/759
Paragraph 12 (partially)	11.3.2004	2004/759
Schedule 11		
Paragraph 1 as to Wales	1.4.2004	2004/480
Paragraph 2 as to Wales (partially)	1.4.2004	2004/480
Paragraphs 3(2)(a) and (3) to (5) and 3(1) as to Wales (partially)	1.4.2004	2004/480
Paragraphs 4 to 6 to Wales	1.4.2004	2004/480
Paragraph 7 as to Wales (partially)	28.2.2004	2004/480
Paragraph 7 as to Wales (partially)	1.4.2004	2004/480
Paragraph 8 as to Wales (partially)	1.4.2004	2004/480
Paragraph 9 as to Wales	1.4.2004	2004/480
Paragraph 10 as to Wales	1.4.2004	2004/480
Paragraph 13 as to Wales	1.4.2004	2004/480
Paragraph 20 as to Wales (partially)	1.4.2004	2004/480
Paragraphs 21(2) as to Wales (partially)	1.4.2004	2004/480
Paragraph 22(1) as to Wales (partially)	1.4.2004	2004/480
Paragraphs 22(2) and 22(3) (a), (5)(b) and (7) to (9) as to Wales	1.4.2004	2004/480
Paragraphs 22(8)(b) and (9) as to Wales (partially)	1.4.2004	2004/480
Paragraph 23 as to Wales (partially)	28.2.2004	2004/480
Paragraph 23 as to Wales (partially)	1.4.2004	2004/480
Paragraph 24(a) as to Wales	1.4.2004	2004/480
Paragraphs 25 to 27 as to Wales	1.4.2004	2004/480
Paragraph 36(a) as to Wales	1.4.2004	2004/480

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 37 as to Wales	1.4.2004	2004/480
Paragraph 38 as to Wales (partially)	28.2.2004	2004/480
Paragraph 39 as to Wales (partially)	28.2.2004	2004/480
Paragraph 40 as to Wales	1.4.2004	2004/480
Paragraph 41 as to Wales	1.4.2004	2004/480
Paragraphs 42 to 44 as to Wales	1.4.2004	2004/480
Paragraph 45 as to Wales (partially)	1.4.2004	2004/480
Paragraph 46(1) as to Wales (partially)	1.4.2004	2004/480
Paragraph 46(2)(a) and (3)(a) as to Wales	1.4.2004	2004/480
Paragraphs 47 to 49 as to Wales	1.4.2004	2004/480
Paragraph 51 to 52 as to Wales	1.4.2004	2004/480
Paragraph 53 as to Wales (partially)	1.4.2004	2004/480
Paragraph 55 as to Wales	1.4.2004	2004/480
Paragraphs 56 to 59 as to Wales	1.4.2004	2004/480
Paragraph 60 as to Wales (partially)	1.4.2004	2004/480
Paragraphs 61 to 64 as to Wales	1.4.2004	2004/480
Paragraphs 65 and 67(a) as to Wales	1.4.2004	2004/480
Paragraph 69 as to Wales (partially)	1.4.2004	2004/480
Paragraphs 70 to 74 as to Wales	1.4.2004	2004//480
Schedule 14 as to Wales (partially)	1.4.2004	2004/480
Schedule 14 Part 1	1.4.2004	2004/759