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WELSH STATUTORY INSTRUMENTS

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**2011 No. 212 (W.43) (C.12)**

**NATIONAL HEALTH SERVICE, WALES**

The Health and Social Care (Community Health and Standards)  
Act 2003 Commencement (Wales) (No. 5) Order 2011

Made - - - - 2 February 2011

The Welsh Ministers, in exercise of the powers conferred by section 199(1) of the Health and Social Care (Community Health and Standards) Act 2003(1), make the following Order:

**Title, interpretation and application**

1.—(1) The title of this Order is the Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No.5) Order 2011.

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

(3) This Order applies in relation to Wales.

**Appointed day**

2. 7 February 2011 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 —

- (a) section 113(2), (3) and (4) (complaints about health care); and
- (b) section 115(3) (complaints regulations: supplementary).

2 February 2011

*Edwina Hart*  
Minister for Health and Social Services, one of  
the Welsh Ministers.

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## EXPLANATORY NOTE

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

This Order is the fifth commencement order made by the Welsh Ministers under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”).

Article 2 commences section 113(2), (3) and (4) of the Act (complaints about health care) and section 115(3) (complaints regulations: supplementary) in so far as they have not already been brought into force.

## 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 S.I. [2003/3346](#); S.I. [2004/759](#); S.I. [2005/2925](#); S.I. [2005/2278](#); S.I. [2006/836](#); S.I. [2006/1407](#); S.I. [2006/1680](#); S.I. [2006/2817](#); S.I. [2006/3397](#) and S.I. [2007/1102](#), have been commenced in relation to England and Wales. The provisions commenced by S.I. [2004/480 \(W.49\)](#); S.I. [2004/873 \(W.88\)](#); S.I. [2005/3285 \(W.249\)](#) and S.I. [2006/345 \(W.42\)](#) 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	<a href="#">2004/759</a>
Sections 2 to 4	1.1.2004	<a href="#">2003/3346</a>
Sections 5 to 20	1.4.2004	<a href="#">2004/759</a>
Sections 22 to 35	1.4.2004	<a href="#">2004/759</a>
Section 36	1.1.2004	<a href="#">2003/3346</a>
Sections 37 to 39	1.4.2004	<a href="#">2004/759</a>
Section 40	1.1.2004	<a href="#">2003/3346</a>
Section 41	8.1.2004	<a href="#">2003/3346</a>
Section 43	11.3.2004	<a href="#">2004/759</a>
Section 44	1.4.2004	<a href="#">2004/759</a>
Sections 45 and 46	1.4.2004	<a href="#">2004/759</a>
Section 47 as to Wales	1.4.2004	<a href="#">2004/873 (W.88)</a>
Sections 48 and 49	1.4.2004	<a href="#">2004/759</a>
Section 50(1) (partially)	1.4.2004	<a href="#">2004/759</a>
Section 50(1) (partially)	1.4.2006	<a href="#">2004/759</a> as amended by <a href="#">2006/836</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 50(1) (partially)	1.4.2007	<a href="#">2004/759</a> as amended by <a href="#">2006/836</a> and <a href="#">2007/1102</a>
Section 50(1) (partially)	1.4.2008	<a href="#">2004/759</a> as amended by <a href="#">2006/836</a>
Section 50(2) and (3)	1.4.2005	<a href="#">2004/759</a>
Section 50(4)	1.4.2006	<a href="#">2004/759</a>
Section 50(5)	1.4.2004	<a href="#">2004/759</a>
Section 51(1) to (3), (5) and (6)	1.4.2004	<a href="#">2004/759</a>
Section 51(4)	1.4.2005	<a href="#">2004/759</a>
Section 52(1) to (4), (6) and (7)	1.4.2004	<a href="#">2004/759</a>
Section 52(5)	1.4.2005	<a href="#">2004/759</a>
Sections 53 to 57	1.4.2004	<a href="#">2004/759</a>
Sections 60 and 61	1.4.2004	<a href="#">2004/759</a>
Sections 64 to 68	1.4.2004	<a href="#">2004/759</a>
Sections 70—75 as to Wales	1.4.2004	<a href="#">2004/873 (W.88)</a>
Sections 92—101, as to Wales (partially)	1.4.2004	<a href="#">2004/873 (W.88)</a>
Section 102	1.4.2004	<a href="#">2004/759</a>
Section 103	1.4.2004	<a href="#">2004/759</a>
Section 105(1) and (6)	1.8.2006	<a href="#">2006/1680</a>
Section 105(3) to (5) and (7)	1.8.2006	<a href="#">2006/1680</a>
Section 106	1.4.2004	<a href="#">2004/759</a>
Section 107 as to Wales	1.4.2006	<a href="#">2005/3285 (W.249)</a>
Section 108	1.4.2004	<a href="#">2004/759</a>
Section 109 as to Wales	1.4.2004	<a href="#">2004/873 (W.88)</a>
Section 111	1.4.2004	<a href="#">2004/759</a>
Section 114 as to Wales (partially)	1.4.2006	<a href="#">2005/3285 (W.249)</a>
Section 115(1), (2), (4), (5) and (6) as to Wales	1.4.2006	<a href="#">2005/3285 (W.249)</a>
Section 116(2) and (3) as to Wales	1.4.2006	<a href="#">2005/3285 (W.249)</a>
Section 117 as to Wales	30.12.2005	<a href="#">2005/3285 (W.249)</a>
Sections 118 and 119	1.6.2004	<a href="#">2004/759</a>
Section 120 and 121	1.4.2004	<a href="#">2004/759</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
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 as to Wales (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 150(1) to (7) and (10) to (14)	28.1.2007	2006/3397
Sections 151 to 164	29.1.2007	2006/3397
Sections 166 to 168	29.1.2007	2006/3397
Section 169 (partially)	29.1.2007	2006/3397
Section 170 as to Wales (partially)	15.2.2006	2006/345 (W.42)
Section 170 as to Wales for remaining purposes	1.4.2006	2006/345 (W.42)
Section 171(1) as to Wales (partially)	15.2.2006	2006/345 (W.42)
Section 171(1) as to Wales for remaining purposes	1.4.2006	2006/345 (W.42)
Section 171(2) as to Wales	1.4.2006	2006/345 (W.42)
Section 172(1) as to Wales	15.2.2006	2006/345 (W.42)
Section 172(2) as to Wales	1.4.2006	2006/345 (W.42)
Section 173 as to Wales	15.2.2006	2006/345 (W.42)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 174 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 174 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 175 as to Wales	28.2.2004	2004/480 (W.49)
Section 176 as to Wales	28.2.2004	2004/480 (W.49)
Section 177(1) to (11) as to Wales	15.2.2006	2006/345 (W.42)
Section 177 as to Wales (partially)	1.4.2006	2006/345 (W.42)
Section 177 for remaining purposes	1.3.2007	2006/1407
Section 178 as to Wales (partially)	1.4.2006	2006/345 (W.42)
Section 178 for remaining purposes	1.3.2007	2006/1407
Section 179(1) as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 179(1) as to Wales (partially)	15.2.2006	2006/345 (W.42)
Section 179(2) as to Wales	28.2.2004	2004/480 (W.49)
Section 180 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 180 as to Wales for remaining purposes	15.2.2006	2006/345 (W.42)
Section 181	1.4.2006	2005/2925
Section 182(2) as to Wales	15.2.2006	2006/345 (W.42)
Section 183 as to Wales (partially)	15.2.2006	2006/345 (W.42)
Section 183 as to Wales for remaining purposes	1.4.2006	2006/345 (W.42)
Section 184 as to Wales (partially)	28.2.2004	2004/480 (W.49)
Section 184 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 184 as to Wales (partially)	15.2.2006	2006/345 (W.42)
Section 184 as to Wales (partially)	1.4.2006	2005/2925

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 184 as to Wales (partially)	1.4.2006	2006/345 (W.42)
Section 185 (partially)	12.8.2005 and 7.10.2005	2005/2278
Section 185 for remaining purposes	27.10.2006	2006/2817
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to Wales (partially)	1.4.2004	2004/480 (W.49)
Section 196 (partially)	1.4.2004	2004/759
Section 196 as to Wales (partially)	1.4.2004	2004/873 (W.88)
Section 196 (partially)	1.4.2005	2005/457
Section 196 as to Wales (partially)	1.4.2006	2005/2925
Section 196 (partially)	7.10.2005	2005/2278
Section 196 (partially)	29.1.2007	2006/3397
Section 196 (partially)	27.10.2006	2006/2817
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
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	1.4.2004	2004/759
Paragraphs 16 and 23(b) (partially)	11.3.2004	2004/759
Schedule 10	29.1.2007	2006/3397
Schedule 11 as to Wales (partially)	1.4.2004	2004/480 (W.49)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 11 as to Wales (partially)	28.2.2004	<a href="#">2004/480 (W.49)</a>
Schedule 11 as to Wales (partially)	15.2.2006	<a href="#">2006/345 (W.42)</a>
Schedule 11 as to Wales (partially)	1.4.2006	<a href="#">2005/2925</a>
Schedule 11 as to Wales (partially)	1.4.2006	<a href="#">2006/345 (W.42)</a>
Schedule 11 (partially)	1.3.2007	<a href="#">2006/1407</a>
Schedule 14 as to Wales (partially)	1.4.2004	<a href="#">2004/480 (W.49)</a>
Schedule 14 Part 1	1.4.2004	<a href="#">2004/759</a>
Schedule 14 as to Wales (partially)	15.2.2006	<a href="#">2006/345 (W.42)</a>
Schedule 14 as to Wales (partially)	1.4.2006	<a href="#">2005/2925</a>
Schedule 14 Part 3 (partially and with savings provisions)	29.1.2007	<a href="#">2006/3397</a>
Schedule 14 Part 4 as to Wales (partially)	1.4.2006	<a href="#">2006/345 (W.42)</a>
Schedule 14 Part 4 (partially)	27.10.2006	<a href="#">2006/2817</a>
Schedule 14 Part 4 (partially)	1.3.2007	<a href="#">2006/1407</a>