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STATUTORY INSTRUMENTS

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**2010 No. 708 (C. 46)**

**PUBLIC HEALTH  
SOCIAL CARE  
NATIONAL HEALTH SERVICE  
HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
HEARING AID COUNCIL**

The Health and Social Care Act 2008 (Commencement  
No. 15, Consequential Amendments and  
Transitional and Savings Provisions) Order 2010

*Made* - - - - *9th March 2010*  
*Laid before Parliament* *11th March 2010*  
*Coming into force in accordance with article 1(1)*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 161(3) and (4), 167(1) and (3) and 170(3) and (4) of the Health and Social Care Act 2008(1). The Secretary of State for Health has consulted the Welsh Ministers, in accordance with section 172(4) of that Act(2).

**Citation, commencement, extent, application and interpretation**

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No.15, Consequential Amendments and Transitional and Savings Provisions) Order 2010, and—

- (a) this article and articles 2 to 4, 6, 11, 13 and 14 come into force on 1st April 2010;
- (b) article 5 comes into force on 1st August 2010;
- (c) articles 7 to 10, together with Schedules 1 and 2, come into force on 6th April 2010; and

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(1) [2008 c.14](#). See section 171(2) of that Act for the definition of “appropriate authority”, which is relevant to the powers being exercised.

(2) Section 172(4) of the Health and Social Care Act 2008 requires the Secretary of State to consult the Welsh Ministers before making a commencement order relating to section 148 of that Act in relation to England.

- (d) article 12 comes into force on 19th April 2010.
- (2) This article and Part 3 extend to England and Wales, Scotland and Northern Ireland (but, by virtue of section 169(6) of the 2008 Act, the repeals commenced by virtue of article 4(1)(b) and (2) (c) have the same extent as the provisions repealed).
- (3) Parts 1, 5 and 6 extend to England and Wales, but Part 5 applies in relation to England only.
- (4) As regards article 3—
- (a) paragraph (a) extends to England and Wales and Scotland only; and
  - (b) paragraphs (b) to (d) extend to England and Wales only.
- (5) As regards Part 4—
- (a) subject to paragraph (6), articles 6 and 7 extend to England and Wales but apply in relation to England only;
  - (b) paragraphs 1 and 2 of Schedule 1, together with article 8 in so far as it relates to those paragraphs, extend to England and Wales but apply in relation to England only;
  - (c) paragraph 3 of Schedule 1, together with article 8 in so far as it relates to that paragraph, extend to England and Wales, Scotland and Northern Ireland, but apply in relation to England, Scotland and Northern Ireland only; and
  - (d) article 9, together with Schedule 2, extend to England and Wales but apply in relation to England only.
- (6) The extent of any amendment or repeal commenced by article 6 is the same as the extent of the enactment amended or repealed, but does not apply in relation to Wales.
- (7) In this Order—
- (a) “the 1984 Act” means the Public Health (Control of Disease) Act 1984<sup>(3)</sup>; and
  - (b) “the 2008 Act” means the Health and Social Care Act 2008.

## PART 1

### Provisions relating to funding of expenditure in connection with the provision of pharmaceutical services

#### **Appointed day for provisions relating to funding of expenditure in connection with the provision of pharmaceutical services**

2. 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—
- (a) section 140, in so far as it relates to Part 1 of Schedule 12;
  - (b) section 166, in so far as it relates to the repeals mentioned in paragraph (d);
  - (c) Part 1 of Schedule 12; and
  - (d) the repeals included in Part 4 of Schedule 15 that relate to sections 228 to 230 of, and Schedule 14 to, the National Health Service Act 2006<sup>(4)</sup>.

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<sup>(3)</sup> 1984 c.22.

<sup>(4)</sup> 2006 c.41.

## PART 2

Provisions relating to responsible officers and the conduct and performance of medical practitioners and other health care workers

### **Appointed day for provisions relating to responsible officers and the conduct and performance of medical practitioners and other health care workers**

3. 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 119 (except in so far as it relates to Northern Ireland);
- (b) section 120 (except in so far as it relates to Northern Ireland);
- (c) section 121; and
- (d) 122 (except in so far as it relates to Northern Ireland).

## PART 3

Provisions relating to the dissolution of the Hearing Aid Council

### **Appointed day for provisions relating to the dissolution of the Hearing Aid Council**

4.—(1) 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 123(2);
- (b) section 166, in so far as it relates to the provisions of Part 2 of Schedule 15 commenced by sub-paragraph (c); and
- (c) the entries in Part 2 of Schedule 15 relating to the 1968 Act, the Extension Act and the Amendment Act,

except in so far as relating to sections 1(1) and (7) and 12 of, and the Schedule to, the 1968 Act.

(2) 1st August 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 123(1);
- (b) section 123(2), in so far as not already in force;
- (c) section 166, in so far as it relates to the provisions of Part 2 of Schedule 15 commenced by sub-paragraph (d); and
- (d) the entries in Part 2 of Schedule 15 relating to—
  - (i) the 1968 Act, in so far as not already in force,
  - (ii) the Extension Act, in so far as not already in force,
  - (iii) the Supreme Court Act 1981(5),
  - (iv) the Amendment Act, in so far as not already in force,
  - (v) the Courts and Legal Services Act 1990(6),
  - (vi) the Value Added Tax Act 1994(7),

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(5) 1981 c. 54.  
(6) 1990 c. 41.  
(7) 1994 c. 23.

- (vii) the Freedom of Information Act 2000<sup>(8)</sup>,
  - (viii) the Income Tax (Earnings and Pensions) Act 2003<sup>(9)</sup>, and
  - (ix) the Constitutional Reform Act 2005<sup>(10)</sup>.
- (3) In this article—
- (a) “the 1968 Act” means the Hearing Aid Council Act 1968<sup>(11)</sup>;
  - (b) “the Extension Act” means the Hearing Aid Council (Extension) Act 1975<sup>(12)</sup>; and
  - (c) “the Amendment Act” means the Hearing Aid Council (Amendment) Act 1989<sup>(13)</sup>.

#### **Amendment consequential on abolition of the Hearing Aid Council**

5. Article 2 of the Government Resources and Accounts Act 2000 (Audit of Public Bodies) Order 2004<sup>(14)</sup> is omitted.

## **PART 4**

### **Provisions relating to public health protection**

#### **Appointed day for provisions relating to public health protection**

6. 6th April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 129, in so far as not already in force;
- (b) section 130(1), except in so far as it relates to sections 13 to 15 and 76 of the 1984 Act ceasing to have effect;
- (c) section 130(2);
- (d) section 166, in so far as it relates to the provisions of Part 3 of Schedule 15 commenced by paragraph (f);
- (e) Schedule 11; and
- (f) Part 3 of Schedule 15, except in so far as it relates to the repeal of sections 13 to 15 and 76 of the 1984 Act.

#### **Revocation in relation to public health protection**

7. Regulations 12 and 13 of the Canal Boats Regulations 1878<sup>(15)</sup> are revoked.

#### **Consequential amendments in relation to public health protection**

8. The consequential amendments to enactments set out in Schedule 1 have effect.

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(8) 2000 c. 36.  
(9) 2003 c. 1.  
(10) 2005 c. 4.  
(11) 1968 c. 50.  
(12) 1975 c. 39.  
(13) 1989 c. 12.  
(14) S.I. 2004/1715.  
(15) S.I. 20/3/1878.

### **Transitional and savings provisions in relation to public health protection**

9. The transitional and savings provisions set out in Schedule 2 have effect.

### **Disapplication of section 121(4) of the Magistrates' Courts Act 1980**

10. An application for an order under Part 2A of the 1984 Act(16) (public health protection) may be heard by a magistrates' court otherwise than in open court (and accordingly section 121(4) of the Magistrates' Courts Act 1980(17) (constitution and place of sitting of court) shall not apply to such an application).

## **PART 5**

### **Provisions relating to ordinary residence for certain purposes of the National Assistance Act 1948 etc.**

#### **Appointed day for provisions relating to ordinary residence for certain purposes relating to social care**

11. 19th April 2010 is the day appointed for the coming into force of section 148 of the 2008 Act.

#### **Transitional provision relating to ordinary residence for certain purposes relating to social care**

12.—(1) The amendments made to section 24 of the National Assistance Act 1948(18) (authority liable for provision of accommodation) by section 148(1) of the 2008 Act do not have effect in relation to a person for whom non-hospital NHS accommodation is being provided immediately before the appointed day, for as long as the provision of that accommodation continues.

(2) For these purposes, “non-hospital NHS accommodation” is NHS accommodation that is elsewhere than at a hospital vested in—

- (a) the Secretary of State;
- (b) a Primary Care Trust;
- (c) a Local Health Board;
- (d) a National Health Service trust; or
- (e) an NHS foundation trust.

(3) The amendments made to section 2 of the Chronically Sick and Disabled Persons Act 1970(19) (provision of welfare services) by section 148(3) of the 2008 Act do not have effect in relation to a question arising under that section 2 as to a person's ordinary residence in a case where, on the appointed day, that question is the subject of court proceedings.

(4) In this article—

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(16) Inserted by the Health and Social Care Act 2008, section 129.

(17) 1980 c. 43; section 121(4) was amended by the Courts Act 2003 (c. 39), Schedule 8, paragraph 237(1) and (3). By virtue of section 67(1) of the Public Health (Control of Disease) Act 1984, read with the definition of “magistrates' court” in Schedule 1 to the Interpretation Act 1978 (c. 30), an application for an order under Part 2A of the 1984 Act is to be heard as a complaint.

(18) 1948 c.29; section 24 was amended by: the National Assistance (Amendment) Act 1959 (c. 30), section 1(1); the Social Work (Scotland) Act 1968 (c. 49), Schedule 9, Part 1; the Housing (Homeless Persons) Act 1977 (c. 48), the Schedule; the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 5; S.I. 2000/90, Schedule 1, paragraph 2; the Health and Social Care (Community Health and Standards) Act 2003 (c. 43), Schedule 4, paragraphs 3 and 4; and the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 5 and 7(a).

(19) 1970 c. 44; section 2 was amended by: the Local Authority Social Services Act 1970 (c. 42), Schedule 2, paragraph 12; the Local Government Act 1972 (c. 70), Schedule 30; and the National Health Service and Community Care Act 1990, Schedule 9, paragraph 12, and Schedule 10.

“appointed day” means the day appointed under article 11; and

“NHS accommodation” has the meaning given by section 24(6A) of the National Assistance Act 1948<sup>(20)</sup>.

## PART 6

### Provisions relating to Primary Care Trusts, standards of NHS care and the Care Quality Commission

#### **Appointed day for provisions relating to Primary Care Trusts and standards of NHS care**

**13.** 1st April 2010 is the day appointed for the coming into force of the following provisions of the 2008 Act—

- (a) section 45;
- (b) section 95, in so far as it relates to the paragraphs of Schedule 5 listed in paragraph (e);
- (c) section 139;
- (d) section 166, in so far as it relates to the repeal in Schedule 15 commenced by paragraph (f);
- (e) paragraphs 37 and 38 of Schedule 5; and
- (f) Part 1 of Schedule 15 insofar as it relates to section 46 of the Health and Social Care (Community Health and Standards) Act 2003<sup>(21)</sup>.

#### **Amendment of the Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009**

**14.** In the Health and Social Care Act 2008 (Commencement No. 9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009<sup>(22)</sup>—

- (a) in article 13 (transitory provisions relating to the Health Protection Agency), for “31st March 2010” substitute “30th September 2010”; and
- (b) in paragraph 1 of Schedule 2 (transitory provision in relation to functions of the CHAI and the CSCI under the 2000 Act), for “the date for the coming into force of the repeals of the 2000 Act relating to the provisions of that Act listed in paragraph 36(a) of Schedule 1” substitute “30th September 2010”.

Signed by authority of the Secretary of State for Health.

9th March 2010

*Gillian Merron*  
Minister of State,  
Department of Health

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<sup>(20)</sup> Section 24(6A) is inserted by section 148(1) of the Health and Social Care Act 2008.

<sup>(21)</sup> 2003 c.43.

<sup>(22)</sup> S.I. 2009/462; there are amending instruments but none are relevant.

## SCHEDULE 1

article 8

### Consequential amendments in relation to public health protection

#### **Public Health (Ships) Regulations 1979**

1. In the Public Health (Ships) Regulations 1979<sup>(23)</sup>, in regulation 2(1) (interpretation), in sub-paragraph (b) of the definition of “local authority”—

(a) at the end of paragraph (iii), omit “or”; and

(b) for paragraph (iv), substitute the following paragraphs—

“(iv) the Common Council of the City of London,

(v) the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple, or

(vi) the Council of the Isles of Scilly;”.

#### **Public Health (International Trains) Regulations 1994**

2. In the Public Health (International Trains) Regulations 1994<sup>(24)</sup>, in regulation 2(1) (interpretation), omit the definition of “viral haemorrhagic fever”.

#### **Immigration (European Economic Area) Regulations 2006**

3. In the Immigration (European Economic Area) Regulations 2006<sup>(25)</sup>, in regulation 21(7) (decisions taken on public policy, public security and public health grounds), in sub-paragraph (a), for “to which section 38 of the Public Health (Control of Disease) Act 1984 applies (detention in hospital of a person with a notifiable disease)” substitute “listed in Schedule 1 to the Health Protection (Notification) Regulations 2010<sup>(26)</sup>”.

## SCHEDULE 2

article 9

### Transitional and savings provisions in relation to public health protection

#### **Interpretation**

1. In this Schedule—

“the Notification Regulations” mean the Health Protection (Notification) Regulations 2010; and

“the Local Authority Powers Regulations” mean the Health Protection (Local Authority Powers) Regulations 2010<sup>(27)</sup>.

<sup>(23)</sup> [S.I.1979/1435](#); the relevant amending instruments in relation to England are [S.I. 2007/1446](#) and [1603](#).

<sup>(24)</sup> [S.I. 1994/311](#); the relevant amending instrument is [S.I. 1994/1405](#).

<sup>(25)</sup> [S.I. 2006/1003](#).

<sup>(26)</sup> [S.I. 2010/659](#).

<sup>(27)</sup> [S.I. 2010/657](#).

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### **Section 9 of the 1984 Act**

2. Section 9 of the 1984 Act (vessels in inland or coastal waters) shall continue in force for the purposes of section 13 of the 1984 Act (regulations for control of certain diseases) (notwithstanding the repeal of section 9 by the 2008 Act).

### **Section 11 of the 1984 Act: duty of registered medical practitioners**

3.—(1) Where—

- (a) a duty on a registered medical practitioner under section 11 of the 1984 Act (cases of notifiable disease and food poisoning to be reported) has arisen before 6th April 2010 but has not been discharged before that date; and
- (b) the duty is in connection with a notifiable disease that is listed in Schedule 1 to the Notification Regulations (notifiable diseases),

the registered medical practitioner must comply with regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purpose of sub-paragraph (1), the registered medical practitioner shall be treated as having formed a suspicion under regulation 2(1) of the Notification Regulations on 6th April 2010.

### **Section 11 of the 1984 Act: duty of proper officers**

4.—(1) Where—

- (a) a proper officer of a local authority has received a certificate in accordance with section 11(1) of the 1984 Act (cases of notifiable disease and food poisoning to be reported);
- (b) the proper officer has not discharged the duty to send copies of that certificate to other specified parties under section 11(3) of that Act<sup>(28)</sup> before 6th April 2010; and
- (c) the certificate relates to a notifiable disease that is listed in Schedule 1 to the Notification Regulations (notifiable diseases),

the certificate shall be treated as a notification sent under regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purposes of sub-paragraph (1), the proper officer shall be treated as having received the notification on 6th April 2010.

### **Section 20 of the 1984 Act**

5. Where—

- (a) a proper officer of a local authority has made a request under section 20 of the 1984 Act<sup>(29)</sup> (stopping of work to prevent spread of disease); and
- (b) that request has not been complied with before 6th April 2010 nor has it expired or been withdrawn,

the request shall be treated as a request made under regulation 8 of the Local Authority Powers Regulations (requests for co-operation for health protection purposes).

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<sup>(28)</sup> Before its repeal, section 11(3) was amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2, Part 2, paragraphs 50(1) and (2).

<sup>(29)</sup> Before its repeal, section 20 was amended by the Food Safety Act 1990 (c.16), Schedule 3, paragraph 28.



### **Section 21 of the 1984 Act**

**6.** Where—

- (a) a notice has been issued to the person having care of a child under section 21 of the 1984 Act (exclusion from school of children liable to convey notifiable disease); and
- (b) a certificate has not been issued by a proper officer under that section in respect of that notice before 6th April 2010,

for the purposes of the notice, section 21 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

### **Section 22 of the 1984 Act**

**7.** Where—

- (a) a proper officer of a local authority has requested a principal of a school to furnish a list of names and addresses of pupils under section 22 of the 1984 Act<sup>(30)</sup> (list of day pupils at school having case of notifiable disease);
- (b) the time for complying with the request has not expired; and
- (c) the request has not been complied with before 6th April 2010,

the request shall be treated as a request made under regulation 3 of the Local Authority Powers Regulations (requirement to provide details of children attending school).

### **Section 31 of the 1984 Act**

**8.** Where—

- (a) the local authority has given notice to an occupier under section 31 of the 1984 Act (disinfection of premises); and
- (b) the steps set out by the local authority in its notice have not been taken by the local authority or the occupier before 6th April 2010,

for the purposes of the notice, section 31 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

### **Sections 35 to 38 and 40 of the 1984 Act**

**9.** Where, immediately before 6th April 2010, an order made by a justice of the peace under one or more of sections 35 to 38 and 40 of the 1984 Act<sup>(31)</sup> (which relate to justice of the peace orders) is in force, the order—

- (a) shall be treated as having been made under section 45G (power to order health measures in relation to persons) and, where the order has been combined with a warrant, section 45K (part 2A orders: supplementary) of the 1984 Act;
- (b) shall cease to be in force after a period of 14 days beginning with 6th April 2010, or such shorter period as the order may specify; and
- (c) cannot be extended, but this does not prevent a justice of the peace making a new order under sections 45G or 45K of the 1984 Act as the case may be.

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<sup>(30)</sup> Before its repeal, section 22 was amended by virtue of a Royal Proclamation dated 31st December 1984 abolishing the halfpenny.

<sup>(31)</sup> Before its repeal, section 37 was amended by: the National Health Service and Community Care Act 1990 (c.19), Schedule 9, paragraph 26(2), Schedule 10; the Health and Social Care (Community Health and Standards) Act 2003 (c.43), Schedule 4, paragraphs 60 and 62; S.I. 2000/90, Schedule 1, paragraph 17(1) and (4)(b); S.I. 2002/2469, Schedule 1, Part 1, paragraph (11) (1) and (4)(a) and (b); and S.I. 2007/961, the Schedule, paragraph 14(1) and (6)(a) and (b).

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### **Section 42 of the 1984 Act**

10. Where, immediately before 6th April 2010, a magistrates' court order under section 42 of the 1984 Act (closure of common lodging house on account of notifiable disease) is in force, the order—

- (a) shall be treated as having been made under section 45I of the 1984 Act (power to order health measures in relation to premises);
- (b) shall cease to be in force after a period of 14 days beginning with 6th April 2010 (or such shorter period as the order may specify); and
- (c) cannot be extended, but this does not prevent a justice of the peace making a new order under section 45I of the 1984 Act.

### **Section 43 of the 1984 Act**

11. Where—

- (a) a proper officer of a local authority or a registered medical practitioner has certified under section 43 of the 1984 Act (person dying in hospital with notifiable disease) that a body should not be removed from hospital except for the purpose of being taken directly to a mortuary or forthwith buried or cremated; and
- (b) the body subject to the certification remains in that hospital immediately before 6th April 2010,

for the purposes of the certification and the body, section 43 of the 1984 Act shall continue in force (notwithstanding its repeal by the 2008 Act).

### **Section 74 of the 1984 Act**

12. Any definition in section 74 of the 1984 Act<sup>(32)</sup> (interpretation) which is used in—

- (a) sections 13 to 15 or 76 of the 1984 Act; or
- (b) any provision of the 1984 Act that continues in force for specified purposes by virtue of paragraphs 2 to 11 of this Schedule,

shall continue in force for the purposes of construing those sections and provisions (notwithstanding their repeal, and the repeal of section 74 of the 1984 Act, by the 2008 Act).

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## **EXPLANATORY NOTE**

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

Part 1 of this Order brings into force on 1st April 2010 provisions of the Health and Social Care Act 2008 (“the Act”) relating to funding of expenditure on community pharmaceutical services provided as part of the National Health Service in England. The principal changes are: firstly, that funding for community pharmaceutical services that previously had been held centrally will become part of the allocations given to Primary Care Trusts; and secondly, the Secretary of State is given powers to designate any element of the remuneration paid by Primary Care Trusts for community

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<sup>(32)</sup> The definition of “NHS Trust” in section 74, before its repeal, was amended by the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 1, paragraphs 78 and 79. Other amendments to section 74 are not relevant here.

pharmaceutical services which is not referable to the cost of drugs. Designation is a mechanism which allows the Secretary of State to control the way the funding of a designated element is apportioned between Primary Care Trusts.

Part 2 of this Order brings into force on 1st April 2010 the provisions of the Act relating to responsible officers (except in relation to Northern Ireland). A new Part is inserted into the Medical Act 1983<sup>(33)</sup>, under which regulations may be made which will require designated bodies to appoint or nominate persons who will have specified powers and responsibilities in relation to medical practitioners. The responsibilities may include matters such as evaluation of medical practitioners' fitness to practise and the powers may include matters such as requiring the provision of information. In relation to England and Wales, there are a range of additional responsibilities that may be conferred on responsible officers that include being able to take appropriate action where concerns about conduct or performance are raised. Also in relation to England and Wales, powers are brought into force on 1st April 2010 allowing for the making of regulations conferring new duties of co-operation on prescribed bodies in connection with the sharing and provision of information about the conduct or performance of health care workers (and related matters).

Part 3 of this Order brings into force on 1st April 2010 and 1st August 2010 provisions relating to the dissolution of the Hearing Aid Council. Responsibility for the regulation of private hearing aid dispensers is transferring to the Health Professions Council, and there is a consequential amendment to legislation relating to the auditing of public bodies.

Part 4 of this Order brings into force on 6th April 2010 certain provisions of the Act which amend the Public Health (Control of Disease) Act 1984. These include revised and expanded powers to make health protection regulations, both with regard to the spread of infection or contamination from international travel, and with regard to domestic provision for protecting against, or responding to, infection or contamination. There are new powers for justices of the peace to make orders requiring health protection measures to be taken in relation to persons, things or premises. Justices of the peace will also be able to direct any action that might be appropriate to give effect to their orders. There are also modified rights of entry and enforcement arrangements relating to health protection measures. Some consequential amendments are made to secondary legislation, there is a disapplication of a provision in the Magistrates' Courts Act 1980 and there are a number of transitional and saving provisions, primarily in relation to the notice requirements under the pre-existing legislation.

Part 5 of this Order brings into force on 19th April 2010 section 148 of the Act, which relates to ordinary residence for the purposes of certain provisions of the National Assistance Act 1948 ("the 1948 Act") and the Chronically Sick and Disabled Persons Act 1970 ("the 1970 Act"). Under the current arrangements, a patient at a National Health Service (NHS) hospital is treated for the purposes of the provision of residential accommodation under Part 3 of the 1948 Act as being ordinarily resident in the area in which the patient was ordinarily resident before being admitted to hospital. Section 148(1) of the Act extends this deeming provision so that it also applies to people who are provided with accommodation by the NHS at places other than NHS hospitals – and there are transitional provisions for some existing patients. In addition, section 148(2) amends section 32 of the 1948 Act to provide that disputes as to a person's ordinary residence arising under the 1948 Act are to be determined by the Secretary of State or the Welsh Ministers, in accordance with arrangements that they must make and publish. Section 148(3) amends section 2 of the 1970 Act to provide that disputes under that Act as to a person's ordinary residence are to be referred to the Secretary of State for determination. There is a transitional provision to prevent any 1970 Act disputes which before the appointed day were already the subject of court proceedings being referred under the new arrangements.

Part 6 of this Order brings into force on 1st April 2010 sections 45 and 139 of the Act. Section 45 concerns the preparation and publication of standards by the Secretary of State in relation to the provision of NHS care. Section 139 inserts a new section 23A into the National Health Service Act

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(33) 1983 c.54.

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2006, which imposes a duty on Primary Care Trusts in relation to arrangements for improving the quality of health care. It also commences consequential amendments and repeals in Schedules 5 and 15 of the Act that relate to the commencement of sections 45 and 139. Part 6 also amends article 13 of, and Schedule 2 to, the Health and Social Care Act 2008 (Commencement No.9, Consequential Amendments and Transitory, Transitional and Saving Provisions) Order 2009. It amends the expiry date of the transitory modification made to section 10 of the Health Protection Agency Act 2004<sup>(34)</sup> from 31st March 2010 to 30th September 2010 and changes the expiry date of the transitional provisions relating to functions under the Care Standards Act 2000<sup>(35)</sup> to 30th September 2010.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health and Social Care Act 2008 have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1)	1st October 2008	2008/2497 (C. 106)
Section 1(2)	1st April 2009	2009/462 (C. 31)
Section 1(3) (partially)	1st October 2008	2008/2497 (C. 106)
Section 1(3) (fully)	1st April 2009	2009/462 (C. 31)
Section 2(1)	1st October 2008	2008/2497 (C. 106)
Section 2(2)(a) (partially)	12th January 2009	2008/3168 (C. 143)
Section 2(2)(b) and (c)	1st April 2009	2009/462 (C. 31)
Sections 3 to 7	1st October 2008	2008/2497 (C. 106)
Section 8 (partially)	12th January 2009	2008/3168 (C. 143)
Section 9	1st October 2008	2008/2497 (C. 106)
Section 10(3)	12th January 2009	2008/3168 (C. 143)
Section 10 (fully)	1st April 2009	2009/462 (C. 31)
Section 11	12th January 2009	2008/3168 (C. 143)
Section 12(1) to (5)	12th January 2009	2008/3168 (C. 143)
Section 16 (partially)	1st April 2009	2009/462 (C. 31)
Section 16 (fully)	11th December 2009	2009/3023 (C. 130)
Section 17(1), (3) and (4)	1st April 2009	2009/462 (C. 31)
Sections 18 and 19 (partially)	1st April 2009	2009/462 (C. 31)
Section 20 (partially)	12th January 2009	2008/3168 (C. 143)
Section 21 and 22	12th January 2009	2008/3168 (C. 143)
Sections 23 and 24	11th December 2009	2009/3023 (C. 130)
Section 25 (partially)	12th January 2009	2008/3168 (C. 143)

<sup>(34)</sup> 2004 c. 17.

<sup>(35)</sup> 2000 c. 14.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 25 (fully)	11th December 2009	2009/3023 (C. 130)
Section 26(1), (3) and (6) (partially)	12th January 2009	2008/3168 (C. 143)
Section 26(4) and (5)	1st April 2009	2009/462 (C. 31)
Section 27 (partially)	12th January 2009	2008/3168 (C. 143)
Section 28(1) to (4)(a) (partially)	12th January 2009	2008/3168 (C. 143)
Section 28(4)(c) and (d) (partially)	1st April 2009	2009/462 (C. 31)
Sections 29 to 31 (partially)	1st April 2009	2009/462 (C. 31)
Section 32 (partially)	12th January 2009	2008/3168 (C. 143)
Section 33 (partially)	1st April 2009	2009/462 (C. 31)
Section 34(1) and (5)	1st April 2009	2009/462 (C. 31)
Section 35	12th January 2009	2008/3168 (C. 143)
Section 36	1st April 2009	2009/462 (C. 31)
Section 37 (partially)	12th January 2009	2008/3168 (C. 143)
Sections 38 and 39 (partially)	1st April 2009	2009/462 (C. 31)
Section 40	1st April 2009	2009/462 (C. 31)
Sections 41 and 42	11th December 2009	2009/3023 (C. 130)
Section 44 (partially)	12th January 2009	2008/3168 (C. 143)
Section 46(4) to (8)	1st October 2008	2008/2497 (C. 106)
Section 46 (fully)	1st April 2009	2009/462 (C. 31)
Section 47	1st October 2008	2008/2497 (C. 106)
Section 48	1st April 2009	2009/462 (C. 31)
Section 49 (fully)	11th December 2009	2009/3023 (C. 130)
Section 50	1st April 2009	2009/462 (C. 31)
Section 51 (partially)	1st April 2009	2009/462 (C. 31)
Section 51 (fully)	11th December 2009	2009/3023 (C. 130)
Sections 52 to 59	1st April 2009	2009/462 (C. 31)
Sections 60 to 65 (partially)	12th January 2009	2008/3168 (C. 143)
Section 66 (partially)	1st October 2008	2008/2497 (C. 106)
Section 66 (partially)	1st April 2009	2009/462 (C. 31)
Sections 67 to 71	1st April 2009	2009/462 (C. 31)
Section 72 (partially)	1st April 2009	2009/462 (C. 31)
Section 72 (fully)	11th December 2009	2009/3023 (C. 130)
Sections 73 to 75	1st April 2009	2009/462 (C. 31)
Sections 76 to 83	1st October 2008	2008/2497 (C. 106)

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Section 84	1st April 2009	2009/462 (C. 31)
Section 85	1st October 2008	2008/2497 (C. 106)
Sections 86 and 87	1st April 2009	2009/462 (C. 31)
Section 88	1st October 2008	2008/2497 (C. 106)
Section 89	1st April 2009	2009/462 (C. 31)
Sections 90 to 94 (partially)	12th January 2009	2008/3168 (C. 143)
Section 95 (partially)	1st October 2008	2008/2497 (C. 106)
Section 95 (partially)	1st April 2009	2009/462 (C. 31)
Section 95 (partially)	2nd November 2009	2009/2862 (C. 126)
Section 96	1st April 2009	2009/462 (C. 31)
Section 97	1st October 2008	2008/2497 (C. 106)
Section 98(1)	25th January 2010	2010/23 (C.3)
Section 98(3) (partially)	28th September 2009	2009/2567 (C. 109)
Section 98(3) (partially)	25th January 2010	2010/23 (C.3)
Section 107(1)	25th January 2010	2010/23 (C.3)
Section 107(4) (partially)	25th January 2010	2010/23 (C.3)
Section 108	25th January 2010	2010/23 (C.3)
Section 111 (partially)	1st October 2008	2008/2497 (C. 106)
Section 111 (partially)	1st January 2009	2008/3244 (C. 148)
Section 112 (partially)	3rd November 2008	2008/2717 (C. 120)
Section 113	1st January 2009	2008/3244 (C. 148)
Section 114 (fully)	1st January 2009	2008/3244 (C. 148)
Sections 115 to 117	1st January 2009	2008/3244 (C. 148)
Section 118 (partially)	1st January 2009	2008/3244 (C. 148)
Section 123(3) to (6)	1st October 2008	2008/2497 (C. 106)
Section 127 (partially)	25th August 2008	2008/2214 (C. 100)
Section 127 (partially)	1st January 2009	2008/3244 (C. 148)
Section 127 (partially)	4th June 2009	2009/1310 (C. 71)
Section 127 (partially)	28th September 2009	2009/2567 (C. 109)
Section 127 (partially)	25th January 2010	2010/23 (C.3)
Section 129 (partially)	1st April 2009	2009/462 (C. 31)
Sections 131 to 138	1st January 2009	2008/3137 (C. 136)
Section 142	1st October 2008	2008/2497 (C. 106)
Section 143	1st October 2008	2008/2497 (C. 106)

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Section 145 (partially)	1st December 2008	2008/2994 (C. 129)
Section 146 (partially)	9th November 2009	2009/2567 (C. 109)
Section 147	6th April 2009	2009/462 (C. 31) and 2009/631 (W.57) (C.43)
Sections 149 to 154	1st April 2009	2008/2994 (C. 129)
Section 155	1st December 2008	2008/2994 (C. 129)
Section 156 (partially)	1st December 2008	2008/2994 (C. 129)
Section 156 (fully)	1st April 2009	2008/2994 (C. 129)
Section 157(1) (partially)	1st October 2008	2008/2497 (C. 106)
Section 157 (fully)	1st January 2009	2008/2497 (C. 106)
Section 158	1st January 2009	2008/2497 (C. 106)
Section 159(5)	1st March 2009	2009/270 (C. 12)
Section 159 (fully)	1st April 2009	2009/270 (C. 12)
Section 160 (partially)	1st October 2008	2008/2497 (C. 106)
Section 160 (partially)	1st January 2009	2008/2497 (C. 106)
Section 166 (partially)	1st January 2009	2008/2497 (C. 106) and 2008/3244 (C. 148)
Section 166 (partially)	1st April 2009	2009/270 (C. 12)
Section 166 (partially)	6th April 2009	2009/462 (C. 31)
Paragraphs 1 to 5 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(3) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(4) of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 6(6) to 6(8) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 7 of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraphs 8 to 12 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Schedule 1 (fully)	1st April 2009	2009/462 (C. 31)
Schedule 2	1st October 2008	2008/2497 (C. 106)
Schedule 3	1st April 2009	2009/462 (C. 31)
Paragraph 1 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 2 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 3 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 4 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 5 of Schedule 4 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 6 of Schedule 4	1st April 2009	2009/462 (C. 31)

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Paragraphs 7 and 8 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraphs 9 and 10 of Schedule 4	1st April 2009	2009/462 (C. 31)
Paragraph 1 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 7 to 9 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 11 of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 13 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraph 14(a), (b)(i) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 14(b)(ii) of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 15 of Schedule 5 (partially)	2nd November 2009	2009/2862 (C. 126)
Paragraph 16(b) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 17 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 20 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 22 and 23 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 24(b) and (c) of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 25 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 29 and 30 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 32 to 36 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 39 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraphs 40 and 41 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 42 to 46 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 47 of Schedule 5 (partially)	1st April 2009	2009/462 (C. 31)
Paragraphs 48 to 53 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 54(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 54 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraph 55 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 56(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 56 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraph 57(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 57(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 57 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraph 58(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 58 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraph 59(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 59(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)



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Paragraph 59 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraphs 60 to 72 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 73(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 73 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraphs 74 to 79 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 80(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 80 of Schedule 5 (fully)	1st April 2009	2009/462 (C. 31)
Paragraphs 81 to 93 of Schedule 5	1st April 2009	2009/462 (C. 31)
Paragraph 94 of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraphs 1 to 3 of Schedule 6	25th January 2010	2010/23 (C.3)
Paragraphs 4 to 10 of Schedule 6	28th September 2009	2009/2567 (C. 109)
Paragraphs 11 to 14 of Schedule 6	25th January 2010	2010/23 (C.3)
Paragraphs 17 to 23 of Schedule 6	25th January 2010	2010/23 (C.3)
Paragraphs 1 and 2 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 3 of Schedule 8 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 3 of Schedule 8 (partially)	1st January 2009	2008/3244 (C. 148)
Paragraph 4 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 5(1) to (3) of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 5(4) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraphs 6 and 7 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 8(a) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraph 8(b) of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 9 of Schedule 8	1st January 2009	2008/3244 (C. 148)
Paragraph 1 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 2(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 2(b) of Schedule 10	25th January 2010	2010/23 (C.3)
Paragraph 3 of Schedule 10 (partially)	1st January 2009	2008/3244 (C. 148)
Paragraph 3 of Schedule 10 (fully)	25th January 2010	2010/23 (C.3)
Paragraph 4(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 4(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Paragraph 5(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 5(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Paragraph 6(a) of Schedule 10	25th January 2010	2010/23 (C.3)
Paragraph 6(b) of Schedule 10	1st January 2009	2008/3244 (C. 148)

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Paragraph 8 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraphs 10 to 12 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 13(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 13(b) of Schedule 10	25th January 2010	2010/23 (C.3)
Paragraph 16 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 17 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 19 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 20 of Schedule 10	25th August 2008	2008/2214 (C. 100)
Paragraph 21 of Schedule 10 (partially)	25th August 2008	2008/2214 (C. 100)
Paragraph 21 of Schedule 10 (fully)	4th June 2009	2009/1310 (C. 71)
Paragraph 22 of Schedule 10	25th January 2010	2010/23 (C.3)
Paragraphs 23 to 25 of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 26(a) of Schedule 10	1st January 2009	2008/3244 (C. 148)
Paragraph 26(b) of Schedule 10	28th September 2009	2009/2567 (C. 109)
Schedule 13	6th April 2009	2009/462 (C. 31) and 2009/631
Paragraphs 2 to 4 of Schedule 14	1st October 2008	2008/2497 (C. 106)
Paragraph 5 of Schedule 14	1st January 2009	2008/2497 (C. 106)
Paragraph 6 and 7 of Schedule 14	1st April 2009	2009/462 (C. 31)
Part 1 of Schedule 15 (partially)	1st April 2009	2009/462 (C. 31)
Part 2 of Schedule 15 (partially)	1st January 2009	2008/3244 (C. 148)
Part 5 of Schedule 15	6th April 2009	2009/462 (C. 31)
Part 6 of Schedule 15	1st January 2009	2008/2497 (C. 106)
Part 7 of Schedule 15	1st April 2009	2009/270 (C.12)