

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Functions of Health Protection Agency in relation to biological substances

Part 6 – General

Section 171: The appropriate authority by whom commencement order is made

553. **Section 171** determines who the appropriate authority is for the purposes of making commencement orders under section 170. Except as provided by subsections (3) to (5), the appropriate authority is the Secretary of State.
554. In relation to sections 119, 120 and 122 (responsible officers), so far as they relate to Northern Ireland, the appropriate authority is DHSSPSNI.
555. In relation to the following provisions, the appropriate authority is the Welsh Ministers:
- Part 3 (public health protection), including Schedule 11, and Part 3 of Schedule 15 so far as they relate to Wales (and section 166 (repeals) so far as it relates to that Part of Schedule 15 in its application to Wales),
 - section 140 (pharmaceutical services), so far as relating to Part 2 of Schedule 12, together with that Part of that Schedule,
 - section 141(2) (remuneration for persons providing pharmaceutical services: appointment of determining authorities in relation to Wales),
 - section 144 (weighing and measuring of children: Wales),
 - subsections (1) to (7) of section 146 (direct payments in lieu of provision of care services), so far as they relate to Wales, and subsection (8) of that section,
 - section 147 (abolition of maintenance liability of relatives), Schedule 13 and Part 5 of Schedule 15, so far as they relate to local authorities in Wales (and section 166 so far as relating to Part 5 of Schedule 15 in its application to local authorities in Wales),
 - section 148 (ordinary residence for certain purposes of National Assistance Act 1948 etc.), so far as relating to Wales, and
 - the repeals in the NHS (Wales) Act 2006 in Part 4 of Schedule 15 (and section 166 so far as relating to those repeals).
556. In relation to Part 4 (health in pregnancy grant), the appropriate authority is the Treasury.