



# Health and Social Care Act 2008

## 2008 CHAPTER 14

### PART 6

#### GENERAL

#### 172 Consultation in relation to commencement

- (1) Before making a commencement order relating to—
  - (a) section 111 and Schedule 8 (extension of powers under section 60 of the Health Act 1999 (c. 8)) so far as relating to—
    - (i) subsection (2A) of section 60 of the Health Act 1999,
    - (ii) the repeal of paragraph 7(3) of Schedule 3 to that Act,
    - (iii) the amendments of paragraphs 8 and 9 of Schedule 3 to that Act, so far as relating to a profession that is not a reserved profession for Scotland, or
    - (iv) the meaning of “enactment” for the purposes of Schedule 3 to that Act,
  - (b) section 112 (standard of proof in fitness to practise proceedings) so far as relating to a profession that is not a reserved profession for Scotland, or
  - (c) section 116 (powers of Secretary of State and devolved administrations), so far as relating to the functions of the Scottish Ministers,the Secretary of State must consult the Scottish Ministers.
- (2) For the purposes of subsection (1)(a)(iii) and (b), a profession is a reserved profession for Scotland if it falls within Section G2 (health professions) of Part 2 of Schedule 5 to the Scotland Act 1998 (c. 46).
- (3) Before making a commencement order relating to—
  - (a) paragraph 13, 14(a), (b)(i) or (c), 16, 17, 18, 19, 20, 22, 23, 24(b) or (c), 25, 26, 32 or 33 of Schedule 5,
  - (b) section 95 so far as relating to those paragraphs, or
  - (c) Part 1 of Schedule 15 so far as relating to those paragraphs (or section 166 so far as relating to that Part of that Schedule),

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*Status: This is the original version (as it was originally enacted).*

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the Secretary of State must consult the Welsh Ministers.

- (4) Before making a commencement order relating to section 148 (ordinary residence for certain purposes of National Assistance Act 1948 etc.) in relation to England, the Secretary of State must consult the Welsh Ministers; and, before making a commencement order relating to that section in relation to Wales, the Welsh Ministers must consult the Secretary of State.
- (5) Before making a commencement order relating to—
- (a) section 159 (functions of Health Protection Agency in relation to biological substances), or
  - (b) Part 7 of Schedule 15 (or section 166 so far as relating to that Part of that Schedule),

the Secretary of State must consult the Department of Health, Social Services and Public Safety in Northern Ireland.

- (6) In this section “commencement order” means an order under section 170(3).