
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”). It is the fourth such Order to be made under the Act.

Article 2(2) brings into force the following provisions of the 2012 Act on 1st April 2013—

- (a) the remainder of section 1, sections 2 to 7, and the remainder of sections 9 and 10 and Schedule 1 which amend the National Health Service Act 2006 (c. 42) (“the 2006 Act”) in relation to the functions and duties of the Secretary of State, the NHS Commissioning Board (“the Board”) and clinical commissioning groups in respect of the health service in England;
- (b) sections 11 to 14, 16 to 19 and the remainder of section 22 which amend the 2006 Act in respect of arrangements for the provision of health services, including the Secretary of State’s duties in relation to public health;
- (c) the remainder of sections 23 and 24 which amend the 2006 Act to make further provision about the Board;
- (d) the remainder of sections 25 to 27 and Schedule 2, and section 28, which amend the 2006 Act to make further provision about clinical commissioning groups;
- (e) sections 29 to 32 which amend the 2006 Act to make provision about the role of local authorities in relation to the health service in England;
- (f) sections 33 and 34 which provide for the abolition of Primary Care Trusts and Strategic Health Authorities;
- (g) sections 35 to 37 (partially) which amend the Water Industry Act 1991 (c. 56) in relation to the fluoridation of water supplies: these provisions are brought into force in relation to England only;
- (h) sections 38, 41, 43 and 45, and the remainder of section 40, which make amendments to the Mental Health Act 1983 (c. 20) in relation to functions relating to mental health matters;
- (i) sections 46 and 47 (emergency powers);
- (j) sections 48 to 54 (miscellaneous provisions in relation to the health service);
- (k) section 56 and Schedule 7 (abolition of the Health Protection Agency);
- (l) sections 57, 58 and 60 (functions in relation to biological substances, radiation protection and co-operation with bodies exercising functions in relation to public health);
- (m) section 62 (partially) which relates to the general duties of Monitor;
- (n) sections 72, 73, 74 (partially), 75 to 77 and 80 which relate to the competition functions of Monitor;
- (o) section 104 (partially) which relates to Monitor’s power to require documents and information;
- (p) sections 116 to 119 (partially) which relate to Monitor’s function in relation to pricing in the health service;
- (q) the remainder of section 147 which relates to Secretary of State’s duty as respect variation in provision of health services;

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- (r) sections 151 (partially), 152, 153, 157, 161, 162, 163 (partially) and 167 which relate to NHS foundation trusts;
- (s) the remainder of section 181 (Healthwatch England);
- (t) sections 182 to 189 which relate to the establishment of, and functions of, Local Healthwatch organisations;
- (u) section 190 (partially) and section 191 which relate to the scrutiny functions of local authorities;
- (v) sections 192 and 193 which amend the Local Government and Public Involvement in Health Act 2007 (c. 28) in relation to joint strategic needs assessments and strategies;
- (w) sections 194 to 199 which relate to Health and Wellbeing Boards;
- (x) section 200 which makes provision about care trusts;
- (y) sections 202 to 207 which amend the 2006 Act in relation to primary care services;
- (z) sections 232 to 249 and Schedules 16 and 17 which primarily make provision for the establishment of the National Institute for Health and Care Excellence and its functions;
- (aa) sections 250 and 251 which make provision for information standards in relation to health and social care services;
- (bb) sections 252 to 277 and Schedules 18 and 19 which primarily make provision for the establishment of the Health and Social Care Information Centre and its functions;
- (cc) section 280 and Part 3 of Schedule 20 which make provision for the abolition of the National Information Governance Board for Health and Social Care, and amend the Health and Social Care Act 2008 (c. 14) in relation to the role of the Care Quality Commission in relation to certain types of information;
- (dd) section 282 which makes provision for the abolition of the NHS Institute for Innovation and Improvement;
- (ee) sections 284 to 287 which make provision in relation to information, including information relating to births and deaths;
- (ff) sections 288 (partially) and 290 which make provision in relation to duties to co-operate;
- (gg) sections 292 and 293 which amend the Health and Social Care Act 2008 to make provision in relation to the Care Quality Commission;
- (hh) sections 295 and 296 which primarily relate to arrangements with devolved authorities;
- (ii) the remainder of sections 300 to 302 and Schedules 22 and 23 which make provision for transfer schemes;
- (jj) Schedules 4 and 5 (partially), and section 55 (partially) insofar as it relates to those Schedules, which make provision for consequential amendments to the 2006 Act and other primary legislation consequential upon the provisions in Part 1 of the 2012 Act;
- (kk) Schedule 13 and section 150(5) (partially) which makes minor and consequential amendments as a consequence of provisions in Part 3 of the 2012 Act; and
- (ll) Schedule 21 (partially) and section 297 (partially) which makes amendments to legislation that applies in Wales, Scotland and Northern Ireland that are relevant to the relationships between the health services of England, Wales, Scotland and Northern Ireland.

Articles 3 to 10 of, and the Schedule to, the Order make saving and transitional provision in consequence of the provisions being commenced in the Order: in particular in relation to the winding up of, and continuity in relation to, the affairs of bodies being abolished under the provisions of the 2012 Act being commenced by this Order, in particular Primary Care Trusts and Strategic Health Authorities.

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A full impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act, including provisions that are commenced by the Order, and a copy is available at www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583.