
WELSH STATUTORY INSTRUMENTS

2004 No. 103 (W.10) (C.6)

**NATIONAL ASSISTANCE SERVICES, WALES
NATIONAL HEALTH SERVICE, WALES**

**The Health and Social Care Act 2001
(Commencement No. 6) (Wales) Order 2004**

Made - - - - 20th January 2004

The National Assembly for Wales, in exercise of the powers conferred on it by sections 64(6) and 70(2) of the Health and Social Care Act 2001(1), hereby makes the following Order:

Citation, interpretation and application

1.—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No.6) (Wales) Order 2004.

(2) In this Order, the Health and Social Care Act 2001 is referred to as "the Act".

(3) This Order applies to Wales only.

Appointed day in respect of section 6(3) of the Act

2. 24th January 2004 is the day appointed for the coming into force of section 6(3) of the Act.

Appointed day in respect of section 12 of the Act

3. 31st January 2004 is the day appointed for the coming into force of section 12 of the Act.

Appointed day in respect of section 49 of the Act

4. 1st April 2004 is the day appointed for the coming into force of section 49 of the Act in so far as that section has not already been brought into force.

(1) 2001 c. 15; the National Assembly is the relevant authority for the making of these Regulations by virtue of section 66 of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

20th January 2004

D. Elis-Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the sixth Commencement Order made under the Health and Social Care Act 2001 ("the Act") in relation to Wales.

Article 2 appoints 24th January 2004 as the day on which section 6(3) of the Act comes into force in Wales.

Article 3 appoints 31st January 2004 as the day on which section 12 of the Act comes into force in Wales.

Article 4 appoints 1 April 2004 as the day on which section 49 of the Act comes into force in Wales, in so far as that section is not already in force.

Section 6(3) inserts amendments into paragraph 16 of Schedule 2 to the National Health Service and Community Care Act 1990 which enables the National Assembly for Wales to make regulations and issue directions to NHS Trusts in Wales about the remuneration and other terms and conditions on which they employ staff and generally in connection with matters concerning the employment of staff.

Section 12 inserts a new section 19A into the National Health Service Act 1977. This new provision requires the National Assembly to arrange, to such extent as it considers necessary to meet all reasonable requirements, for the provision of independent advocacy services for people who wish to complain about the service they (or someone they care for) has received from the NHS.

Section 49 excludes nursing care by a registered nurse from the services which can be provided by local authorities pursuant to enactments relating to the provision of community care services.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	Date of Commencement	S.I. No.
Section 3	1st July 2002 (partially)	2002/1475
Section 5	1st July 2002	2002/1475
Section 11	1st December 2002	2002/1475
Section 13	17th March 2003	2003/713
Section 16	26th August 2002	2002/1919
Section 19 — 26	1st July 2002	2002/1475
Section 27	26th August 2002	2002/1919
Section 28 — 39	1st July 2002	2002/1475
Section 41 — 43	1st July 2002	2002/1475
Section 49	3rd December 2001 (partially)	2001/3807
Section 50(1)	8th April 2002	2001/3752
Section 50(2) to (10)	19th December 2001	2001/3807

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Provision	Date of Commencement	S.I. No.
Section 51	8th November 2001	2001/3752
Section 52	8th November 2001	2001/3752
Section 53	1st April 2003	2003/939
Section 54	1st April 2003	2003/939
Section 55	1st April 2003	2003/939
Section 67(1) and Schedule 5	1st April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095 , 2002/1475 and 2002/1919
Section 67(2) and Schedule 6	1st April 2002, 15th April 2002, 1st July 2002 and 26th August 2002 (partially)	2002/1095 , 2002/1312 , 2002/1475 and 2002/1919
Schedule 2	1st July 2002	2002/1475
Schedule 3	1st July 2002	2002/1475

Various provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. [2001/2804 \(C.95\)](#); S.I. [2001/3167 \(C.101\)](#); S.I. [2001/3294 \(C.107\)](#); S.I. [2001/3619 \(C.117\)](#); S.I. [2001/3752 \(C.122\)](#); S.I. [2001/3738 \(C.121\)](#); S.I. [2001/4149 \(C.133\)](#); S.I. [2002/1095 \(C.26\)](#); S.I. [2002/1312 \(C.36\)](#); S.I. [2002/2363 \(C.77\)](#); S.I. [2003/53 \(C.3\)](#); S.I. [2003/850 \(C.46\)](#) and S.I. [2003/2245 \(C.87\)](#).