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STATUTORY INSTRUMENTS

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**1999 No. 2793 (C. 69)**

**NATIONAL HEALTH SERVICE, ENGLAND  
NATIONAL HEALTH SERVICE, WALES  
NATIONAL HEALTH SERVICE, SCOTLAND  
NATIONAL HEALTH SERVICE,  
NORTHERN IRELAND**

**The Health Act 1999 (Commencement No. 5) Order 1999**

*Made - - - - 9th October 1999*

The Secretary of State for Health, in exercise of the powers conferred upon him by section 67(1) and (2) of the Health Act 1999(1), and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 5) Order 1999.
- (2) In this Order—
  - “the Act” means the Health Act 1999;
  - “the 1977 Act” means the National Health Service Act 1977(2).
- (3) Subject to paragraphs (4) and (5), this Order extends to England.
- (4) Article 2(1)(b) to (d) and (3)(a) extends also to Wales.
- (5) Article 2(1)(c) and (d) extends also to Scotland and Northern Ireland.

**Appointed days**

- 2.—(1) 1st November 1999 is the day appointed for the coming into force of—
  - (a) to the extent there specified, each provision of the Act specified in column 1 of Schedule 1 to this Order;

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(1) 1999 c. 8. The power of the Secretary of State under section 67 of the Act to appoint a day for the coming into force in relation to Wales of any of the provisions referred to in section 66(2) of the Act is exercisable instead by the National Assembly for Wales by virtue of that subsection.

(2) 1977 c. 49.

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- (b) to the extent there specified, each provision of the Act specified in column 1 of Schedule 2 to this Order;
  - (c) section 25 of the Act;
  - (d) in Schedule 5 to the Act, the repeal related to section 62 of the National Health Service and Community Care Act 1990(3), and section 65(2) in so far as it relates to that repeal.
- (2) 4th January 2000 is the day appointed for the coming into force of sections 18 and 20 of the Act, in so far as they are not already in force, and section 21 of the Act.
- (3) 1st April 2000 is the day appointed for the coming into force of—
- (a) each provision of the Act specified in column 1 of Schedule 3 to this Order;
  - (b) sections 9, 26 to 28, 29, in so far as it is not already in force, and 30 to 32 of the Act;
  - (c) the following paragraphs of Schedule 4 to the Act (amendments of enactments) and section 65(1) of the Act in so far as it relates to those paragraphs—
    - (i) paragraph 14, in so far as it is not already in force, and paragraph 4 in so far as it relates to that paragraph,
    - (ii) paragraph 72.

Signed by authority of the Secretary of State for Health

9th October 1999

*John Denham*  
Minister of State,  
Department of Health

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(3) 1990 c. 19. Section 62 was amended by article 7(7) of the Health and Personal Social Services (Northern Ireland Consequential Amendments) Order 1991 (S.I. 1991/195 (N.I.)), so as to extend the Clinical Standards Advisory Group's functions to Northern Ireland.

## SCHEDULE 1

Article 2(1)(a)

PROVISIONS OF THE ACT COMING INTO FORCE ON  
1ST NOVEMBER 1999 IN RELATION ONLY TO ENGLAND

(1) <i>Provisions of the Act</i>	(2) <i>Subject matter</i>
Section 18 (except in so far as it relates to Primary Care Trusts)	Duty of quality
Section 29(2)(a) and (3) and section 29(1) in so far as it relates to it	Payments by NHS bodies to local authorities
Section 39	Evasion of charges
Section 65(1) (in so far as it relates to the paragraphs of Schedule 4 specified below)	Amendments of enactments
Schedule 4— paragraph 14(2) and (4)(b), and paragraphs 4 and 14(1) in so far as they relate to it (4) paragraph 14(3) and (4)(a) and (e) only in so far as it relates to payments made under section 28A(2A) of the 1977 Act, and paragraphs 4 and 14(1) in so far as they relate to that paragraph paragraph 36 and paragraph 4 in so far as it relates to that paragraph	

## SCHEDULE 2

Article 2(1)(b)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST  
NOVEMBER 1999 IN RELATION TO ENGLAND AND WALES

(1) <i>Provisions of the Act</i>	(2) <i>Subject matter</i>
Section 19	The Commission for Health Improvement
Section 20 (except in so far as it relates to Primary Care Trusts)	Functions of the Commission
Section 23	Obtaining of information by the Commission
Section 24	Restrictions on disclosure of information by the Commission
Schedule 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	

(4) Subsection (2A) is inserted by section 29(3) of the Health Act 1999 (c. 8), which is brought into force by article 2(1)(d) of this Order.

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(1) <i>Provisions of the Act</i>	(2) <i>Subject matter</i>
Schedule 65(2) (in so far as it relates to the provisions of Schedule 5 specified below)	
Schedule 2	The Commission for Health Improvement
Schedule 4— paragraph 76(a)(ii) and paragraph 74 in so far as it relates to it paragraph 81(2)(b) and paragraphs 74 and 81(1) in so far as they relate to it	Amendments of enactments
In Schedule 5, the repeals related to section 15 of the Health Service Commissioners Act 1993 <sup>(5)</sup>	Repeals

## SCHEDULE 3

Article 2(3)(a)

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST  
APRIL 2000 IN RELATION TO ENGLAND AND WALES

(1) <i>Provisions of the Act</i>	(2) <i>Subject matter</i>
Section 41	High security psychiatric services
Section 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	
Section 65(2) (in so far as it relates to the provisions of Schedule 5 specified below)	
Schedule 4— paragraph 27(b) and paragraph 4 in so far as it relates to it paragraph 38(2)(b) and (d), and paragraphs 4 and 38(1) in so far as they relate to it paragraphs 65 to 69	Amendments of enactments
In Schedule 5, the repeals related to— sections 91(4) and 128(1) (in so far as it relates to the definition of “special hospital”) of the 1977 Act the Mental Health Act 1983 <sup>(6)</sup>	Repeals

<sup>(5)</sup> 1993 c. 46. Section 15 was amended by section 11 of the Health Service Commissioners (Amendment) Act 1996 (c. 5).

<sup>(6)</sup> 1983 c. 20.

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## EXPLANATORY NOTE

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

This Order brings into force further provisions of the Health Act 1999.

Provisions which are brought into force on 1st November 1999 in relation only to England relate to the duty of quality, payments by NHS bodies to local authorities, evasion of charges, and the Health Service Commissioners. Provisions which are brought into force on 1st November 1999 in relation to England and Wales relate to the Commission for Health Improvement. Section 25 (abolition of the Clinical Standards Advisory Group) and related provisions are brought into force on that date in relation to England, Wales, Scotland and Northern Ireland.

Sections 18 (duty of quality) and 20 (functions of the Commission for Health Improvement), in so far as they relate to Primary Care Trusts, and section 21 (arrangements between the Commission for Health Improvement and the Audit Commission) are brought into force in relation to England on 4th January 2000.

Provisions which are brought into force on 1st April 2000 in relation to England and Wales relate to high security psychiatric services. Provisions which are brought into force on that date in relation only to England relate to indemnity cover for services provided under Part II of the National Health Service Act 1977, and partnership between NHS bodies and local authorities (including plans for improving health, payments or arrangements between NHS bodies and local authorities, and the repeal of provisions relating to Joint Consultative Committees).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health Act 1999 have been, or are to be, brought into force by commencement order made before the date of this Order. In addition to the provisions listed below, various provisions of Part II of, and Schedules 4 and 5 to, the Act that extend only to Scotland have been brought into force on 1st October 1999 by the Health Act 1999 (Commencement No. 4) Order 1999, [S.S.I. 1999/90 \(C. 66\)](#).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s. 1 as to England	1.10.99	<a href="#">1999/2342</a>
s. 2 as to England (partially)	8.9.99	<a href="#">1999/2342</a>
(remainder)	4.1.00	<a href="#">1999/2342</a>
s. 3 as to England	1.4.00	<a href="#">1999/2342</a>
s. 4 as to England (partially)	1.9.99	<a href="#">1999/2342</a>
(remainder)	1.4.00	<a href="#">1999/2342</a>
s. 5 as to England (partially)	4.1.00	<a href="#">1999/2342</a>
s. 6(1) as to England	4.1.00	<a href="#">1999/2342</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
s. 7 as to England	4.1.00	1999/2342
s. 8 as to England	1.9.99	1999/2342
s. 11 as to England	1.9.99	1999/2342
s. 12 as to England (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
ss. 13 and 14 as to England	1.10.99	1999/2540
ss. 15 to 17 as to England	1.9.99	1999/2342
s. 33(1) to (6) (partially)	1.9.99	1999/2177
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s. 36 (partially)	3.8.99	1999/2177
s. 37 (partially)	3.8.99	1999/2177
s. 37(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177
ss. 42 to 44 as to England and Wales	1.10.99	1999/2540
s. 62	3.8.99	1999/2177
s. 63	3.8.99	1999/2177
s. 64	3.8.99	1999/2177
s. 65(1)		
as to England (partially)	1.9.99	1999/2342
as to England (partially)	1.10.99	1999/2540
as to England and Wales (partially)	4.1.00	1999/2342
as to England and Wales (partially)	1.4.00	1999/2342
s.65(2) as to England (partially)	1.10.99	1999/2540
Schedule 1		
as to England (partially)	8.9.99	1999/2342
as to England (partially)	4.1.00	1999/2342
as to England (remainder)	1.4.00	1999/2342

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 4 (as to England unless otherwise specified)—		
paragraphs 1 and 3	4.1.00	1999/2342
paragraph 4 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
(partially)	1.4.00	1999/2342
paragraph 5	4.1.00	1999/2342
paragraph 6	1.9.99	1999/2342
paragraph 7	4.1.00	1999/2342
paragraph 8 (partially)	1.10.99	1999/2540
paragraph 9 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraphs 10 and 11	4.1.00	1999/2342
paragraph 12 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 13	4.1.00	1999/2342
paragraph 15	1.10.99	1999/2540
paragraph 23	4.1.00	1999/2342
paragraph 24	1.9.99	1999/2342
paragraph 25	4.1.00	1999/2342
paragraph 26	1.9.99	1999/2342
paragraph 27 (partially)	1.10.99	1999/2549
(partially)	4.1.00	1999/2342
paragraphs 28 and 29	4.1.00	1999/2342
paragraph 30 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 31 (partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
paragraph 32	1.9.99	1999/2342
paragraph 33	1.4.00	1999/2342
paragraph 34 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 35	1.4.00	1999/2342
paragraph 37 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
paragraph 38 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
paragraph 39	1.9.99	1999/2342
paragraph 40	4.1.00	1999/2342
paragraph 71 (partially)	1.10.99	1999/2540
(remainder)	4.1.00	1999/2342
paragraph 73 as to England and Wales	1.4.00	1999/2342
paragraph 74 (partially)	1.9.99	1999/2342
as to England and Wales (partially)	4.1.00	1999/2342
as to England and Wales (partially)	1.4.00	1999/2342
paragraph 75	1.9.99	1999/2342
paragraph 76 (partially)	1.9.99	1999/2342
as to England and Wales (partially)	4.1.00	1999/2342
paragraphs 77, 78 and 79	4.1.00	1999/2342
paragraph 81 (partially)	4.1.00	1999/2342
paragraph 82 as to England and Wales	1.4.00	1999/2342
paragraph 83 (partially)	1.9.99	1999/2342
(partially)	1.10.99	1999/2540
(remainder)	4.1.00	1999/2342
paragraph 84	1.9.99	1999/2342
paragraph 85 (partially)	1.10.99	1999/2540
as to England and Wales (partially)	4.1.00	1999/2342
paragraph 86 as to England and Wales	1.4.00	1999/2342
paragraph 87	4.1.00	1999/2342
paragraph 88 (partially)	1.9.99	1999/2342
(partially)	1.10.99	1999/2540
(remainder)	4.1.00	1999/2342
paragraph 89	4.1.00	1999/2342
paragraph 90 (partially)	1.10.99	1999/2540



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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 5 as to England (partially)	1.10.99	1999/2540