

**2001 No. 3738 (C. 121)**

**NATIONAL HEALTH SERVICE, ENGLAND**

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

*Made - - - - - 21st November 2001*

The Secretary of State for Health, in exercise of the powers conferred on him by sections 64(6) and (8) and 70(2) of the Health and Social Care Act 2001(a) and all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, interpretation and extent**

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

(2) In this Order—

“the Act” means the Health and Social Care Act 2001;

“the 1977 Act” means the National Health Service Act 1977(b);

“the 1997 Act” means the National Health Service (Primary Care) Act 1997(c);

“concluded” in relation to a case falling within article 2(5) means that the NHS Tribunal has given its decision and—

(a) any period within which an appeal may be made has expired,

(b) an appeal is withdrawn, or

(c) all rights of appeal have been exhausted,

as the case may be;

“pharmacist case” means a case before the NHS Tribunal in relation to a person undertaking to provide pharmaceutical services under Part II of the 1977 Act; and

“the NHS Tribunal” means the tribunal constituted under section 46 of the 1977 Act.

(3) This Order extends to England only.

**Appointed days**

2.—(1) The day appointed for the coming into force of each provision of the Act specified in Part I of Schedule 1 to this Order is 22nd November 2001.

(2) The day appointed for the coming into force of each provision of the Act specified in Part II of Schedule 1 to this Order is—

(a) for the purpose of making Regulations, 22nd November 2001, and

(b) for all other purposes except those relating to the provision of pharmaceutical services under the 1977 Act, 14th December 2001.

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(a) 2001 c. 15.  
(b) 1977 c. 49.  
(c) 1997 c. 46.

(3) The day appointed for the coming into force of each provision specified in Part III of Schedule 1 to this Order, except in so far as they relate to the provision of pharmaceutical services under the 1977 Act, is 14th December 2001.

(4) Subject to paragraph (5), 14th December 2001 is the day appointed for the coming into force of each provision of the Act specified in Schedule 2 to this Order.

(5) The day appointed for the coming into force of each provision of the Act specified in Schedule 2 to this Order in relation to cases falling within paragraph (6) is the date 14 days after the date on which the last such case is concluded.

(6) For the purposes of paragraph (5) the cases are those—

(a) where proceedings in the case (other than a pharmacist case) commenced before the NHS Tribunal under the 1977 Act before 1st November 2001, or under the 1997 Act before 14th December 2001, but the case is not concluded until after 14th December 2001, or

(b) in a pharmacist case, where proceedings in the case commenced before the NHS Tribunal before the coming into force of the first regulations made under section 42 of the 1977 Act after the commencement of section 20(6) of the Act.

Signed by authority of the Secretary of State for Health

21st November 2001

*John Hutton*  
Minister of State,  
Department of Health

## SCHEDULE 1

### PART 1

article 2(1)

#### PROVISIONS OF THE ACT COMING INTO FORCE ON 22ND NOVEMBER 2001

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*Provision of the Act*

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Section 21 which inserts a new section 43ZA into the 1977 Act (conditional inclusion in medical, dental, ophthalmic and pharmaceutical lists).

Section 22 which amends sections 35, 36, 37 and 128(1) of the 1977 Act to insert references to dental corporations.

Section 24 which inserts a new section 43D into the 1977 Act (supplementary lists).

Section 25 to the extent that it inserts the following new sections into the 1977 Act—

section 49O (notification of decisions);

section 49P (withdrawal from the list);

section 49Q (regulations);

section 49R (corresponding decisions).

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### PART II

article 2(2)

#### PROVISIONS OF THE ACT COMING INTO FORCE PARTLY ON 22ND NOVEMBER 2001 AND FULLY ON 14TH DECEMBER 2001 EXCEPT IN RELATION TO PHARMACEUTICAL SERVICES

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*Provision of the Act*

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Section 20(1) to (5) to the extent that it amends the following sections of the 1977 Act—

section 29A (medical lists);

section 29B (vacancies for medical practitioners);

section 36 (regulations about dental services);

section 39 (regulations about general ophthalmic services).

Section 25 to the extent that it inserts the following new sections into the 1977 Act—

section 49F (disqualification of practitioners);

section 49I (suspension);

section 49L (review of decisions);

section 49M (appeals);

section 49N (national disqualification).

Section 67(1) (minor and consequential amendments) in so far as it relates to paragraph 5(4) and (14) of Schedule 5.

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### PART III

article 2(3)

#### PROVISIONS OF THE ACT COMING INTO FORCE ON 14TH DECEMBER 2001

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*Provision of the Act*

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Section 17 (remuneration of general practitioners).

Section 25 to the extent that it inserts the following new sections into the 1977 Act—

section 49G (contingent removal);

section 49H (fraud and unsuitability cases);

section 49J (suspension pending appeal);

section 49K (effect of suspension).

Section 67(1) in so far as it relates to paragraph 12(1) and (2) of Schedule 5.

Section 67(2) in so far as it relates to the entry in Schedule 6 repealing section 29(4) of the 1977 Act.

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## SCHEDULE 2

article 2(4) and (5)

### PROVISIONS OF THE ACT COMING INTO FORCE ON THE APPOINTED DAYS REFERRED TO IN ARTICLE 2(4) AND (5)

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*Provision of the Act*

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Section 16 (abolition of the NHS Tribunal).

Section 67 in so far as it relates to—

paragraph 5(8) and (16) of Schedule 5;

the entry in Schedule 6 repealing sections 46 to 49E of, and Schedule 9 to, the 1977 Act and sections 2(1), 4 to 6 and 14(5) of the National Health Service (Amendment) Act 1995.

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## 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”).

This Order brings into force in England certain provisions of the Act on 22nd November 2001; other provisions partially on that date and fully on 14th December 2001 except where they relate to the provision of pharmaceutical services; and further provisions on 14th December 2001 except where they relate to the provision of pharmaceutical services. It further provides for the abolition of the NHS Tribunal on 14th December 2001 subject to the provisions of article 2(5).

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health and Social Care Act 2001 have been brought into force in relation to England by commencement order made before the date of this Order:

| <i>Provision</i>  | <i>Date of Commencement</i> | <i>S.I. No</i> |
|---|-----------------------------|----------------|
| Section 1 (partially)   | 22nd October 2001           | 2001/3619      |
| Section 3   | 1st August 2001             | 2001/2804      |
| Section 4   | 1st August 2001             | 2001/2804      |
| Section 6   | 1st October 2001            | 2001/3294      |
| Section 13  | 1st August 2001             | 2001/2804      |
| Section 27 (partially)  | 1st October 2001            | 2001/3294      |
| Section 27 (remainder)  | 1st December 2001           | 2001/3294      |
| Section 46 (partially)  | 1st August 2001             | 2001/2804      |
| Section 47  | 1st August 2001             | 2001/2804      |
| Section 48  | 1st August 2001             | 2001/2804      |
| Schedule 4  | 1st August 2001             | 2001/2804      |
| Section 49 (partially)  | 1st October 2001            | 2001/3294      |
| Section 50(1)   | 8th April 2002              | 2001/          |
| Section 50(2) to (7), (8) (remainder), (10) in England        | 20th December 2001          | 2001/          |
| Section 51  | 8th November 2001           | 2001/          |
| Section 52  | 8th November 2001           | 2001/          |
| Section 53  | 1st October 2001            | 2001/3167      |
| Section 54 (partially)  | 1st October 2001            | 2001/3167      |
| Section 55 (partially)  | 1st October 2001            | 2001/3167      |
| Section 67(1) (partially)                                     | 1st October 2001            | 2001/3294      |
| Section 67(1) (partially)                                     | 22nd October 2001           | 2001/3619      |
| Schedule 5, paragraph 5 (partially), paragraph 15 (partially) | 22nd October 2001           | 2001/3619      |
| Section 67(1) (partially)                                     | 1st December 2001           | 2001/3294      |
| Schedule 5, paragraphs 3, 5 (partially), and 10               | 1st October 2001            | 2001/3294      |
| Schedule 5 (partially)  | 1st December 2001           | 2001/3294      |

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