

**2002 No. 1170 (C.30)**

**MEDICINES**

**NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**The Health and Social Care Act 2001 (Commencement  
No. 8) (Amendment) Order 2002**

Made - - - -

26th March 2002

The Secretary of State for Health, in exercise of 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. 8) (Amendment) Order 2002.

(2) In this Order, the “principal Order” means the Health and Social Care Act 2001 (Commencement No. 8) Order 2002(b).

(3) Article 2 extends to England and Wales.

(4) Article 3 extends to England only.

**Amendment of the principal Order**

**2.** In article 2(2) of the principal Order, after “section 15 of the Act” insert “, except for sub-section (3) thereof in so far as it applies to Wales,”.

**3.** After article 3 of the principal Order add—

**“Transitional Provisions for vacancy appeals**

**4.** Where before 1st April 2002 any person has appealed to the Secretary of State under regulations made under section 29B(3)(b)(c) of the 1977 Act, and the appeal has not been determined by that date, that appeal shall have effect as if it were an appeal to the FHSAA(d) and shall be dealt with in accordance with the Family Health Services Appeal Authority (Procedure) Rules 2001(e).”.

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(a) 2001 c.15.

(b) S.I. 2002/1095 (c.26).

(c) Section 29B(3)(b) is amended by section 15(3) of the Health and Social Care Act 2001. Regulations made under it are S.I. 1998/2838, 2000/220 and 2001/3742 which all amend S.I. 1992/635.

(d) The FHSAA is constituted under section 49S of the 1977 Act which was inserted by section 27(1) of the Health and Social Care Act 2001.

(e) S.I. 2001/3750.

Signed by authority of the Secretary of State for Health

26th March 2002

*John Hutton*  
Minister of State,  
Department of Health

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## **EXPLANATORY NOTE**

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

This order amends the Health and Social Care Act 2001 (Commencement No. 8) Order 2002 (“the principal Order”).

Article 2(2) of the principal Order makes the appointed day for the coming into force in respect of England and Wales of section 15 of the Act 1st April 2002. Article 2 of this order amends that provision in respect of Wales whereby the appointed day for the coming into force of section 15, with the exception of sub-section (3), for all purposes except the making of regulations, shall be 1st April 2002.

Article 3 of this Order adds a transitional provision to the principal Order. It provides for appeals made to the Secretary of State before 1st April 2002 under regulations made under section 29B(3)(b) which have not been determined by that date to have effect as though they had been made to the Family Health Services Appeal Authority.

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