
STATUTORY INSTRUMENTS

2002 No. 2202 (C. 69)

**HEALTH CARE AND
ASSOCIATED PROFESSIONS
NATIONAL HEALTH SERVICE, ENGLAND**

The National Health Service Reform and Health Care
Professions Act 2002 (Commencement No. 1) Order 2002

Made - - - - *20th August 2002*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 38(7) and 42(3) of the National Health Service Reform and Health Care Professions Act 2002⁽¹⁾, hereby makes the following Order:

Citation, interpretation and extent

1.—(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 1) Order 2002.

(2) In this Order “the Act” means the National Health Service Reform and Health Care Professions Act 2002.

(3) This Order extends to the whole of the United Kingdom except that—

(a) article 3 extends to England only; and

(b) the extent of the amendment made by article 4 is the same as that of the enactment amended.

Appointed days for provisions relating to the Council for the Regulation of Health Care Professionals

2.—(1) 27th August 2002 is the day appointed for the coming into force of paragraphs 4, 5, 6, 22 and 23 of Schedule 7 to the Act (the Council for the Regulation of Health Care Professionals) and section 25 of the Act (the Council for the Regulation of Health Care Professionals) in so far as it relates to those paragraphs.

(2) 1st December 2002 is the day appointed for the coming into force of—

- (a) section 25 of the Act for the purposes of enabling the Council for the Regulation of Health Care Professionals to prepare for the exercise of any functions which may be exercisable under section 26, 27 or 29 of, or Schedule 7 to, the Act; and
 - (b) Schedule 7 to the Act, in so far as it is not already in force, except paragraph 16(3) and (4), and for that purpose section 25 of the Act.
- (3) 1st April 2003 is the day appointed for the coming into force of—
- (a) section 25 of the Act, in so far as it is not already in force;
 - (b) section 26 of the Act (powers and duties of the Council: general);
 - (c) section 27 of the Act (regulatory bodies and the Council);
 - (d) section 29 of the Act (references of disciplinary cases by the Council to the court); and
 - (e) paragraph 16(3) and (4) of Schedule 7 to the Act.

Appointed day for provisions relating to the National Health Service

3. 2nd September 2002 is the day appointed for the coming into force of—
- (a) paragraphs 3, 4, 6, 7 and 19 of Schedule 1 to the Act and section 1 of, and paragraph 1 of Schedule 1 to, the Act (English Health Authorities: change of name) in so far as they relate to those paragraphs;
 - (b) paragraphs 31 and 32 of Schedule 2 to the Act (reallocation of functions of Health Authorities to Primary Care Trusts) and section 2 of the Act (Primary Care Trusts) in so far as it relates to those paragraphs;
 - (c) section 3(2) and (5)(a) and (b) of the Act (Directions: distribution of functions);
 - (d) section 3(3) of the Act (which substitutes a new section 17A into the National Health Service Act 1977⁽²⁾) for the purpose only of making directions by the Secretary of State under section 17A(3) and (4) of the latter Act; and
 - (e) section 3(1) of the Act in so far as it relates to the provisions referred to in sub-paragraphs (c) and (d) of this article.

Supplementary Provision

4. In section 63 of the Health Services and Public Health Act 1968 (provision of instruction for officers of hospital authorities and other persons employed, or contemplating employment, in certain activities connected with health or welfare)⁽³⁾—

- (a) in subsection (5A)—
 - (i) after “exercisable by a” there is inserted “Strategic Health Authority,”;
 - (ii) after “exercisable by the” there is inserted “Strategic Health Authority,”;
- (b) in subsection (5B), before paragraph (a) there is inserted—

“(za) Strategic Health Authorities;”.

(2) 1997 c. 49. Section 17A was inserted by the Health Act 1999 (c. 8) (“the 1999 Act”), section 12(1).

(3) 1968 c. 46; subsections (5A) and (5B) were inserted by the Health Authorities Act 1995 (c. 17), section 2(1), Schedule 1, paragraph 95(2)(c) and amended by the 1999 Act, section 65, Schedule 4, paragraphs 3(b) and (c) and by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), section 6(2), Schedule 5, paragraphs 2(3) and 2(4) (not yet in force). Section 63 extends to England, Wales and Scotland and this amendment is of similar extent although, since it relates to England only bodies, it has application only in relation to England.

Signed by authority of the Secretary of State for Health.

20th August 2002

Hazel Blears
Parliamentary Under-Secretary of State,
Department of Health

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first Commencement Order made under the National Health Service Reform and Health Care Professions Act 2002 (“the Act”).

Article 2 of this Order brings into force certain provisions of the Act relating to the Council for the Regulation of Health Care Professionals (“the Council”).

Article 2(1) brings into force on 27th August 2002—

- paragraph 4 of Schedule 7 which make provision regarding membership and chairman;
 - paragraph 5 of Schedule 7 which provides for the Secretary of State to direct that his power of appointment to the Council be exercised by a Special Health Authority;
 - paragraph 6 of Schedule 7 which allows the Secretary of State to make regulations regarding conditions of appointment, tenure, removal or suspension from office; and constitution etc. of committees and sub-committees of the Council;
 - paragraphs 22 and 23 of Schedule 7 which make provision about disqualification from the House of Commons and the Northern Ireland Assembly; and
- in relation to those paragraphs, section 25.

Article 2(2) brings into force on 1st December 2002—

- section 25 for the purposes of establishing the Council to prepare for the exercise of its functions under sections 26, 27 or 29 of, and Schedule 7 to, the Act; and
- Schedule 7 except paragraph 16(3) and (4) regarding the constitution of the Council.

The remainder of section 25 and Schedule 7 is brought into force on 1st April 2003. Article 2(3) also brings into force on 1st April 2003—

- section 26 which makes general provision regarding the powers and duties of the Council;
- section 27 which makes provision about the regulatory bodies and the Council;
- section 29 which relates to the referral of disciplinary cases by the Council to the Court.

Article 3 of this Order brings into force amendments to certain of the Secretary of State’s regulation and direction making powers in respect of Strategic Health Authorities. It brings into force on 2nd September 2002—

Paragraphs 3, 4, 6, 7 and 19 of Schedule 1 which contains amendments consequential on the renaming of English Health Authorities as Strategic Health Authorities. These paragraphs amend the Secretary of State’s powers to make regulations and directions relating to Strategic Health Authorities contained in sections 16, 16B, 16D, 17 and 51(2) of the National Health Service Act 1977.

Paragraphs 31 and 32 of Schedule 2 which contains amendments connected with the reallocation of the functions of Health Authorities to Primary Care Trusts. These paragraphs amend the Secretary of State’s powers to make regulations in relation to charges for dental appliances and payment of travelling expenses contained in sections 83 and 83A of the National Health Service Act 1977.

Those parts of section 3 of the Act—which is concerned with the making of directions concerning the distribution of functions relating to the health service—which amend the

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Secretary of State's powers to make directions relating to Primary Care Trusts and Strategic Health Authorities under sections 16D and 17A of the National Health Service Act 1977.

Article 4 of this Order makes a supplementary amendment to the Secretary of State's powers in section 63(5A) of the Health Services and Public Health Act 1968 to make regulations providing for functions exercisable by Health Authorities and other health service bodies under the 1968 Act to be exercised jointly with other health service bodies by extending it to Strategic Health Authorities.