

2002 No. 2478 (C. 80)

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES**

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The National Health Service Reform and Health Care
Professions Act 2002 (Commencement No. 2) Order 2002**

Made - - - - - 27th September 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(a) hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 2) Order 2002.

(2) In this Order—

“the Act” means the National Health Service Reform and Health Care Professions Act 2002;

“the 1995 Act” means the Health Authorities Act 1995(b).

Extent

2.—(1) Article 3(1) extends to England and Wales.

(2) Articles 3(2) and (3) and 4 extend to England only.

(3) Article 5 extends to the whole of the United Kingdom.

Appointed day for provisions relating to the National Health Service

3.—(1) Subject to paragraph (3), 1st October 2002 is the day appointed for the coming into force of—

(a) sections 1 and 2 (in so far as those sections have not already been brought into force), 4, 5, 7 and 8 of the Act;

(b) section 3(3) (in so far as that subsection has not already been brought into force) and (4) of the Act and, in so far as it relates to those two subsections, subsection (1) of that section;

(c) Schedules 1 (in so far as that Schedule has not already been brought into force) and 3 to the Act;

(d) Schedule 2 to the Act, in so far as it has not already been brought into force, except for paragraphs 16(6) and 17(4) and (5) and paragraph 1 in so far as it relates to those paragraphs;

(a) 2002 c.17. See section 42(4) for the definition of “appropriate authority”.

(b) 1995 c.17.

- (e) the following paragraphs of Schedule 8 to the Act and section 37(1) of the Act in so far as it relates to those paragraphs—
 - (i) paragraphs 4 to 7 and 12 and, in so far as it relates to those paragraphs, paragraph 1, and
 - (ii) paragraphs 18, 20, 21, 22 (except in so far as it relates to the omission of paragraph 53 of Schedule 1 to the 1995 Act), 23 to 27, 29 and 31 to 37 and, in so far as it relates to paragraphs 29 and 31, paragraph 28; and
- (f) in Schedule 9 to the Act, the repeals in Parts 1 and 3 relating to the—
 - (i) 1977 Act, sections 17B, 18, 29B, 33, 97, 97D and 103,
 - (ii) National Health Service and Community Care Act 1990(a),
 - (iii) Health Service Commissioners Act 1993(b),
 - (iv) 1995 Act, except paragraph 53 of Schedule 1,
 - (v) Government of Wales Act 1998(c),
 - (vi) 1999 Act, section 6 and Schedule 4, and
 - (vii) Health and Social Care Act 2001(d).

(2) Subject to paragraph (3), 1st October 2002 is the day appointed for the coming into force of—

- (a) section 10 (3), (5) to (8) and (10)(a)(ii), (b) and (c)(i) and (ii) of the Act and, in so far as it relates to those provisions, subsection (1) of that section;
- (b) the following paragraphs of Schedule 8 to the Act and section 37(1) of the Act in so far as it relates to those paragraphs—
 - (i) paragraphs 3, 8 and 9 and, in so far as it relates to those paragraphs, paragraph 1, and
 - (ii) paragraph 22 (in so far as it relates to the omission of paragraph 53 of Schedule 1 to the 1995 Act) and, in so far as it relates to that omission, paragraph 20; and
- (c) in Schedule 9 to the Act, the repeals in Parts 1 and 3 relating to the—
 - (i) 1977 Act, section 44 and Schedule 12A, and
 - (ii) 1995 Act, Schedule 1, paragraph 53.

(3) Sections 7 and 8 of the Act and the provisions referred to in paragraph (2)(a) shall have effect in relation to the period beginning with 1st October 2002 and ending with 31st March 2003 as if that period were a financial year and in relation to the financial year ending with 31st March 2004 and subsequent financial years.

Transitional provision

4. Sections 97 and 97C of, and Schedule 12A to, the 1977 Act(e), in so far as they apply to a Primary Care Trust or to a Health Authority, shall have effect in relation to the period beginning with 1st April 2002 and ending with 30th September 2002 as if that period were a financial year.

Appointed day for provisions relating to health care and associated professions

5. 1st October 2002 is the day appointed for the coming into force of section 35 of the Act.

Signed by authority of the Secretary of State for Health

John Hutton
Minister of State
Department of Health

27th September 2002

(a) 1990 c.19.

(b) 1993 c. 46.

(c) 1998 c.38.

(d) 2001 c.15.

(e) Section 97 was substituted by the 1995 Act, Schedule 1, paragraph 47 and amended by the National Health Service (Primary Care) Act 1997 (c. 46), section 36 and Schedule 2, paragraph 22, the Health Act 1999 (“the 1999 Act”), sections 4(2) and 8 and Schedule 4, paragraph 31 and the Health and Social Care Act 2001 (“the 2001 Act”), sections 1(2) and 2; section 97C was inserted by the 1999 Act, section 3 and amended by the 2001 Act, sections 1(4) and 3(3); Schedule 12A was inserted by the 1999 Act, section 4(1).

EXPLANATORY NOTE

(This note is not part of the Order)

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

Article 3 brings into force on 1st October 2002 those sections of the Act (and associated Schedules) concerned with the structure of, and financial arrangements for, the health service in England.

Section 1 and Schedule 1 rename Health Authorities in England as Strategic Health Authorities and make amendments consequential on that change of name.

Section 2 and Schedule 2 place a duty on the Secretary of State to establish Primary Care Trusts for the whole of England and reallocate many of the existing functions of Health Authorities to Primary Care Trusts.

Sections 3 to 5 make other amendments consequential on this restructuring.

Sections 7, 8 and 10 change the way in which NHS bodies are funded as a result of the devolution of functions from Health Authorities to Primary Care Trusts.

Schedules 8 and 9 contain minor and consequential amendments and repeals.

Articles 3(3) and 4 make provision for the fact that the amendments to section 97 and 97C of, and Schedule 12A to, the National Health Service Act 1977 made by sections 7, 8 and 10 of the Act will operate initially for part of a financial year only.

Article 5 brings into force on 1st October section 35 of the Act which extends the powers conferred by section 60 of the Health Act 1999 (which deals with the modification of legislation governing the regulation of health care professions) to bring those powers in respect of pharmacy more into line with those for other professions.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	2nd September 2002	2002/2202
Section 2 (partially)	2nd September 2002	2002/2202
Section 3(1) (partially)	2nd September 2002	2002/2202
Section 3(2)	2nd September 2002	2002/2202
Section 3(3) (partially)	2nd September 2002	2002/2202
Section 3(5)(a) and (b)	2nd September 2002	2002/2202
Section 25 (partially)	27th August 2002	2002/2202
Section 25 (partially)*	1st December 2002	2002/2202
Section 25 (remainder)*	1st April 2003	2002/2202
Section 26*	1st April 2003	2002/2202
Section 27*	1st April 2003	2002/2202
Section 29*	1st April 2003	2002/2202
Schedule 1, paragraphs 1 (partially), 3,4,6,7 and 19	2nd September 2002	2002/2202
Schedule 2, paragraphs 31 and 32	2nd September 2002	2002/2202
Schedule 7, paragraphs 4 to 6, 22 and 23	27th August 2002	2002/2202
Schedule 7, paragraphs 1 to 3, 7 to 15, 16(1) and (2), 17 to 21 and 24*	1st December 2002	2002/2202
Schedule 7 (remainder)*	1st April 2003	2002/2202

Note: the date for commencement of those provisions marked with an asterisk has not yet been reached.

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