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STATUTORY INSTRUMENTS

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**2003 No. 3346 (C. 134 )**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES  
PUBLIC HEALTH, ENGLAND  
SOCIAL CARE, ENGLAND**

**The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 1) Order 2003**

*Made* - - - - *18th December 2003*

*Coming into force* - - *1st January 2004*

The Secretary of State of Health, in exercise of the powers conferred upon him by section 199(1) and (3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup>, having consulted the National Assembly for Wales in accordance with the requirement in section 199(2)(iv) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Order:—

**Citation, interpretation and application**

**1.**—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.1) Order 2003.

(2) In this Order—

“the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003.

(3) This Order applies to England and Wales, except for Article 3 which applies to England only.

**Appointed day for provisions relating to NHS Foundation trusts**

**2.** 1st January 2004 is the day appointed for the coming into force of sections 2, 3, 4, 36, and 40 of, and Schedule 2 to, the 2003 Act.

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(1) 2003 c. 43; see section 199(2) for the definition of the appropriate authority in relation to commencement orders.

**Appointed day for provisions relating to the Commission for Social Care Inspection**

3. 1st January 2004 is the day appointed for the coming into force of the following provisions of the 2003 Act—

- (a) section 42 and, insofar as it is not already in force, Schedule 7; and
- (b) insofar as they relate to the Commission for Social Care Inspection, paragraphs 1, 3, 5, 6, 7, 8 and 31 of Schedule 9, and section 147 in so far as it relates to those paragraphs of that Schedule.

**Appointed day for the interpretation provision for Part 2 of the 2003 Act**

4. 1st January 2004 is the day appointed for the coming into force of section 148 of the 2003 Act.

**Appointed day for provisions relating to the Commission for Healthcare Audit and Inspection**

5. 8th January 2004 is the day appointed for the coming into force of the following provisions of the 2003 Act—

- (a) section 41 and, insofar as it is not already in force, Schedule 6; and
- (b) insofar as they relate to the Commission for Healthcare Audit and Inspection, paragraphs 1, 3, 5, 6, 7, 8, 13 and 31 of Schedule 9, and section 147 insofar as it relates to those paragraphs of that Schedule.

Signed by authority of the Secretary of State for Health

18th December 2003

*Stephen Ladyman*  
Parliamentary Under Secretary of State,  
Department of Health

## **EXPLANATORY NOTE**

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

This Order is the first commencement order under the Health and Social Care (Community Health and Standards) Act 2003. It provides that certain provisions of Part 1 of the Act relating to NHS foundation trusts and the establishment of an Independent Regulator to regulate them shall come into force on 1<sup>st</sup> January 2004. It also provides that certain provisions in Part 2 of the Act relating to the establishment of the Commission for Healthcare Audit and Inspection and the Commission for Social Care Inspection, shall come into force on 8th January 2004 and 1st January 2004 respectively. Finally, it provides that the interpretation section for Part 2 of the Act shall come into force on 1<sup>st</sup> January 2004.