
STATUTORY INSTRUMENTS

2003 No. 850 (C. 46)

SOCIAL SERVICES, ENGLAND

**The Health and Social Care Act 2001
(Commencement No. 12) (England) Order 2003**

Made - - - - 15th March 2003

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 64(6) and 70(2) of the Health and Social Care Act 2001(1), hereby makes the following Order:

Citation, interpretation and application

- 1.—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No. 12) (England) Order 2003.
- (2) In this Order, “the Act” means the Health and Social Care Act 2001.
- (3) This Order applies to England only.

Appointed day in respect of section 49 of the Act

2. 1st April 2003 is the appointed day for the coming into force of section 49 of the Act in so far as that section has not already been brought into force.

Appointed day in respect of direct payments

- 3.—(1) 16th March 2003 is the appointed day for the coming into force of—
- (a) section 57 of the Act, in so far as that section is not already in force(2), and
 - (b) section 58 of the Act, but only for the purpose of making regulations under section 17A of the Children Act 1989 as substituted by section 58 of the Act.
- (2) 8th April 2003 is the appointed day for the coming into force of—
- (a) section 58 of the Act, in so far as that section has not already been brought into force by virtue of paragraph (1)(b);
 - (b) sub-paragraphs (1) and (2) of paragraph 15 of Schedule 5 to the Act and section 67(1) of the Act in so far as it relates to those sub-paragraphs;

(1) 2001 c. 15; see section 66 for the definition of relevant authority which is relevant to the powers being exercised in this Order.
(2) See section 70(2)(c) of the Act.

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- (c) paragraph 15(1) and (3) of Schedule 5 to the Act and section 67(1) of the Act as they relate to the reference to the making of direct payments to person in respect of his securing provision of community care services or services to carers; and
- (d) section 67(2) of the Act in so far as it relates to the entries in Part 3 of Schedule 6 to the Act relating to—
 - (i) the Community Care (Direct Payments) Act 1996⁽³⁾; and
 - (ii) the Carers and Disabled Children Act 2000⁽⁴⁾.

Signed by authority of the Secretary of State for Health

15th March 2003

Jacqui Smith
Minister of State,
Department of Health

⁽³⁾ 1996 c. 30; section 1 was amended by section 5 of the Carers and Disabled Children Act 2000 (c. 16).
⁽⁴⁾ 2000 c. 16.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the twelfth Commencement Order made under the Health and Social Care Act 2001 (“the Act”) relating to England. It applies to England only.

Article 2 brings into force on 1st April 2003 section 49 of the Act (which excludes nursing care from community care services) in so far as that section is not already in force.

Article 3 brings into force on 16th March 2003 section 57 of the Act (in so far as not already in force). It also brings into force section 58 of the Act (which substitutes a new section 17A in the Children Act) on 16th March 2003, but only for the purposes of making regulations under the new section 17A (see paragraph (1)(b)). Section 17A will come fully into force on 8th April 2003 (see article 3(2)(a)).

Article 3 also makes minor and consequential amendments to, and repeals of, various enactments in connection with the coming into force of sections 57 and 58 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Health and Social Care Act 2001 listed in the table below have been brought into force in England by Commencement Orders made before the date of this Order. Certain provisions of Commencement Orders [S.I.2001/3752](#), [2002/1095](#), [1170](#) and [1312](#) have effect in Northern Ireland, Scotland and Wales. The following Commencement Orders have been made in relation to Wales: S.I. [2001/3807](#), [2002/1475](#) and [1919](#).

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|------------------------|--|---------------------------|
| Section 1 (partially) | 22nd October 2001 | 2001/3619 |
| Section 2 (partially) | 30th September 2002 | 2002/2363 |
| Section 3 | 1st August 2001 | 2001/2804 |
| Section 4 | 1st August 2001 | 2001/2804 |
| Section 5 | 12th September 2002 | 2002/2363 |
| Section 6 | 1st October 2001 | 2001/3294 |
| Section 7 to 11 | 1st January 2003 | 2003/53 |
| Section 13 | 1st August 2001 | 2001/2804 |
| Section 14 | 1st April 2002 | 2002/1095 |
| Section 15 (partially) | 8th March 2002 | 2002/1095 |
| Section 15 | 1st April 2002 | 2002/1095 |
| Section 16 | Day referred to in article 2(4) and (5) of 2001/3738 | 2001/3738 |
| Section 17 | 14th December 2001 | 2001/3738 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|----------------------------------|-----------------------------|-----------------|
| Section 18 | 12th September 2002 | 2002/2363 |
| Section 19 | 1st April 2002 | 2002/1095 |
| Section 20(1) to (5) (partially) | 22nd November 2001 | 2001/3738 |
| Section 20(1) to (5) | 14th December 2001 | 2001/3738 |
| Section 20(1) and (6) | 1st February 2003 | 2003/53 |
| Section 21 | 22nd November 2001 | 2001/3738 |
| Section 22 | 22nd November 2001 | 2001/3738 |
| Section 24 | 22nd November 2001 | 2001/3738 |
| Section 25 (partially) | 22nd November 2001 | 2001/3738 |
| Section 25 (partially) | 14th December 2001 | 2001/3738 |
| Section 25 (remainder) | 1st February 2003 | 2003/53 |
| Section 26(2) | 31st May 2002 | 2002/1095 |
| Section 27 (partially) | 1st October 2001 | 2001/3294 |
| Section 27 (partially) | 1st December 2001 | 2001/3294 |
| Section 28 | 8th March 2002 | 2002/1095 |
| Section 29 and Schedule 2 | 8th March 2002 | 2002/1095 |
| Section 30 | 8th March 2002 | 2002/1095 |
| Section 31 | 8th March 2002 | 2002/1095 |
| Section 32 | 8th March 2002 | 2002/1095 |
| Section 33 | 8th March 2002 | 2002/1095 |
| Section 34 | 8th March 2002 | 2002/1095 |
| Section 35 | 8th March 2002 | 2002/1095 |
| Section 36 | 8th March 2002 | 2002/1095 |
| Section 37 | 8th March 2002 | 2002/1095 |
| Section 38 | 8th March 2002 | 2002/1095 |
| Section 39 | 8th March 2002 | 2002/1095 |
| Section 41 | 8th March 2002 | 2002/1095 |
| Section 42 (partially) | 8th March 2002 | 2002/1095 |
| Section 42 | 1st April 2002 | 2002/1095 |
| Section 43 | 1st April 2002 | 2002/1095 |
| Section 45 | 19th December 2001 | 2001/4149 |
| Section 46 | 1st August 2001 | 2001/2804 |
| Section 47 (partially) | 1st August 2001 | 2001/2804 |
| Section 47(5), (6) | 19th December 2001 | 2001/4149 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|---------------------------|
| Section 48, Schedule 4 | 1st August 2001 | 2001/2804 |
| Section 49 (partially) | 1st October 2001 | 2001/3294 |
| Section 50(1) | 8th April 2002 | 2002/3752 |
| Section 50(2) to (7), (8), (10) | 20th December 2001 | 2001/3752 |
| Section 51 | 8th November 2001 | 2001/3752 |
| Section 52 | 8th November 2001 | 2001/3752 |
| Section 53 | 1st October 2001 | 2001/3167 |
| Section 54 | 1st October 2001 | 2001/3167 |
| Section 55 (partially) | 1st October 2001 | 2001/3167 |
| Section 62 | 15th April 2002 | 2002/1312 |
| Section 63 (partially) | 6th March 2002 | 2002/1095 |
| Section 67(1) (partially), Schedule 5, paragraphs 1, 4, 5(17) and 5(1) and 11(1) in so far as they relate to that paragraphs 7, 9, 11(2)(a) and 5(1) and 11(1) in so far as they relate to that paragraph, and 14 | 1st January 2003 | 2003/53 |
| Section 67(1) (partially), Schedule 5, paragraphs 3, 5(10)(b), 13(a), (b), (d) (partially), and 10 (partially) | 1st October 2001 | 2001/3294 |
| Section 67(1) (partially), Schedule 5, paragraphs 5 (partially), and 15 (partially) | 22nd October 2001 | 2001/3619 |
| Section 67(1), Schedule 5, paragraphs 3, 5(10)(b), 13(a), (b), (d) and 10 (partially) | 1st December 2001 | 2001/3294 |
| Section 67(1) (partially), Schedule 5, paragraph 5(4) and (14) (partially) | 22nd November 2001 | 2001/3738 |
| Section 67(1) (partially), Schedule 5, paragraphs 5(4) and (14) (partially) and 12(1) and (2) | 14th December 2001 | 2001/3738 |
| Section 67(1) (partially), Schedule 5, paragraphs 2, 5(2), (5), (6), (7)(a) and (b), 7(c), (9), (10)(a) and 11(3) | 1st April 2002 | 2002/1095 |
| Section 67(1) (partially), Schedule 5, paragraphs 5(1) and (14) | 1st February 2003 | 2003/53 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|--|---------------------------|
| Section 67(1) (partially), Schedule 5, paragraphs 5(8) and (16) | Day referred to in article 2(4) and (5) of S.I. 2001/3738 | 2001/3738 |
| Section 67(1) (partially), Schedule 5, paragraph 13 | 1st January 2003 | 2003/53 |
| Section 67(2) (partially), Schedule 6 (partially) | 14th December 2001 | 2001/3738 |
| Section 67(2) (partially), Schedule 6 (partially) | 14th December 2001 | 2001/3738 |
| Section 67(2) (partially), Schedule 6 (partially) | 15th April 2002 | 2002/1312 |
| Section 67(2) (partially), Schedule 6 (partially) | 1st February 2003 | 2003/53 |