

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(a), 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(b), 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;

(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—

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

(b) See section 70(2)(c) of the Act.

- (i) the Community Care (Direct Payments) Act 1996^(a); and
- (ii) the Carers and Disabled Children Act 2000^(b).

Signed by authority of the Secretary of State for Health

15th March 2003

Jacqui Smith
Minister of State,
Department of Health

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
Section 48, Schedule 4	1st August 2001	2001/2804

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 67(1) (partially), Schedule 5, paragraphs 5(1) and (14)	1st February 2003	2003/53
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

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