

2004 No. 1859 (C.77)

HEALTH CARE AND ASSOCIATED PROFESSIONS

The Health Act 1999 (Commencement No.15) Order 2004

Made - - - -

19th July 2004

The Secretary of State for Health, in exercise of the powers conferred on him by section 67(1) and (2) of the Health Act 1999(a), 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 Act 1999 (Commencement No.15) Order 2004.
- (2) In this Order, “the Act” means the Health Act 1999.
- (3) Articles 4, 5(b) and 6 of this Order apply to England only.

Appointed day

2. 1st August 2004 is the day appointed for the coming into force of the provisions mentioned in articles 3 to 6.

3. Section 60(3) of the Act (regulation of health care and associated professions) in so far as it is not already in force.

4. Paragraph 8 of Schedule 4 to the Act (amendments of enactments) in so far as it is not already in force and, in so far as they relate to that paragraph, paragraph 4 of that Schedule and section 65(1) of the Act (amendments and repeals).

5. In Schedule 5 to the Act (repeals)—

- (a) the entries relating to the Professions Supplementary to Medicine Act 1960 and the Nurses, Midwives and Health Visitors Act 1997 in so far as they are not already in force;
- (b) the entry relating to section 15(1B) to (1D) of the National Health Service Act 1977(b).

6. In so far as it relates to the entries specified in article 5, section 65(2) of the Act.

Signed by authority of the Secretary of State for Health

19th July 2004

John Hutton
Minister of State,
Department of Health

(a) 1999 c. 8.

(b) 1977 c.49; section 15(1B) was substituted and (1BA) and (1D) inserted by the National Health Service (Primary Care) Act 1997 (c.46), Schedule 2, paragraph 4(3) and (4) and amended by the National Health Service Reform and Health Care Professions Act 2002 (c.17), Schedule 2, paragraphs 3 and 4; section 15(1C) was inserted by the Health Authorities Act 1995 (c.17), Schedule 1, paragraph 6(d).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st August 2004:

section 60(3) of the Health Act 1999 in so far as it has not already been brought into force and, in relation to that, section 65(2) and the entries in Schedule 5 to the Act for the Professions Supplementary to Medicine Act 1960 and the Nurses, Midwives and Health Visitors Act 1997. The effect is that the repeal of the Nurses, Midwives and Health Visitors Act 1997 in consequence of the coming into force of the Nursing and Midwifery Order 2001 (S.I. 2002/253) is completed. Other provisions in that Act were repealed by virtue of S.I. 2001/1985 and S.I.2002/1167. The repeal of the Professions Supplementary to Medicine Act 1960 in consequence of the coming into force of the Health Professions Order 2001 (S.I. 2002/254) is also completed. Other provisions in that Act were repealed by virtue of S.I. 2001/1985, 2002/1167 and 2003/1689; and

paragraph 8 of Schedule 4 to the Health Act 1999 which repeals the now redundant definition of “relevant Primary Care Trust” in section 15(1B) to (1D) of the National Health Service Act 1977.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health Act 1999 have been brought into force by commencement order made before the date of this Order. In addition to the provisions listed below, various provisions of Part II of, and Schedules 4 and 5 to, the Act that extend only to Scotland have been brought into force on 1st October 1999 by the Health Act 1999 (Commencement No. 4) (Scotland) Order 1999, S.S.I. 1999/90 (C. 66), on 14th October 1999 by the Health Act 1999 (Commencement No. 6) (Scotland) Order 1999, S.S.I. 1999 No. 115 (C.73) and on 1st March 2000 by the Health Act 1999 (Commencement No.7) (Scotland) Order 2000, S.S.I. 2000 No. 38 (C.2).

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 1 as to England	1.10.99	1999/2540
as to Wales	1.4.00	2000/1026
s. 2 as to England		
(partially)	8.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s. 3 as to England	1.4.00	1999/2342
s. 4 as to England		
(partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
s. 5 as to England (partially)	4.1.00	1999/2342
s. 6(1) as to England	4.1.00	1999/2342

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
6(2) as to England	1.4.04	2004/289
s. 7 as to England	4.1.00	1999/2342
s. 8 as to England	1.9.99	1999/2342
s. 9 as to England	1.4.00	1999/2793
as to Wales	1.4.00	2000/1041
s. 11 as to England	1.9.99	1999/2342
as to Wales	1.4.00	2000/1026
s.12 as to England		
(partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
as to Wales (partially)	1.12.99	1999/3184
ss. 13 and 14 as to England	1.10.99	1999/2540
as to Wales	1.11.99	1999/3184
ss. 15 to 17 as to England	1.9.99	1999/2342
as to Wales	1.11.99	1999/3184
s. 18 as to England		
(partially)	1.11.99	1999/2793
(remainder)	4.1.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s. 19	1.11.99	1999/2793
s. 20 as to England and Wales (partially)	1.11.99	1999/2793
as to England (remainder)	4.1.00	1999/2793
s. 21 as to England	4.1.00	1999/2793
as to Wales	1.4.00	2000/1041
ss. 23 to 25	1.11.99	1999/2793
ss. 26 to 27 as to England	1.4.00	1999/2793
as to Wales (partially)	1.12.00	2000/2991

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s.28 as to England	1.4.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s. 29 as to England		
(partially)	1.11.99	1999/2793
(remainder)	1.4.00	1999/2793
as to Wales (partially)	1.12.00	2000/2991
ss. 30 to 32 as to England	1.4.00	1999/2793
ss. 30 and 31 as to Wales (partially)	1.12.00	2000/2991
s. 32 as to Wales	1.1.01	2000/2991
s. 33(1) to (6) (partially)	1.9.99	1999/2177
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s. 36 (partially)	3.8.99	1999/2177
s. 37 (partially)	3.8.99	1999/2177
s. 37(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177
s. 39 as to England	1.11.99	1999/2793
as to Wales	9.2.01	2001/270
s. 41	1.4.00	1999/2793
ss. 42 to 44	1.10.99	1999/2540
s. 60 (partially)	15.3.00	2000/779
(partially)	11.5.01	2001/1985
(partially)	1.4.02	2002/1167
(partially)	9.7.03	2003/1689
s. 62	3.8.99	1999/2177

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 63	3.8.99	1999/2177
s. 64	3.8.99	1999/2177
Schedule 1		
as to England (partially)	8.9.99	1999/2342
as to England (partially)	4.1.00	1999/2342
as to England (remainder)	1.4.00	1999/2342
Schedule 2		
as to England and Wales;	1.11.99	1999/2793
paragraphs 15 to 19 as to Scotland	11.5.01	2001/1985
paragraphs 17 to 19 as to Northern Ireland	11.5.01	2001/1985
Schedule 4 (and s. 65(1) in so far as it relates to the paragraphs specified below)—		
paragraphs 4 (partially), 6, 9 (partially), 12(1) (partially), 12(3)(b), 24, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 37(5) and (6), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1) (partially), 83(4), 84, 88(1) (partially) and 88(5) as to England	1.9.99	1999/2342
paragraphs 8 (partially), 15, 27(a) (partially), 71 (partially), 83(1) (partially), 83(6), 85(1) (partially), 85(3) and (4), 88(1) (partially), 88(6) and 90 as to England	1.10.99	1999/2540
paragraphs 4 (partially), 14(1), (3) and (4) (partially), 14(2) and paragraph 36 as to England	1.11.99	1999/2793
paragraphs 74 (partially), 76(a)(ii), 81(1) (partially) and 81(2)(b) as to England and	1.11.99	1999/2793

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Wales		
paragraphs 4 (partially), 37(1) (partially), 37(5) and (6), 79(1) (partially) and 79(2)(a) and (c) as to Wales	1.11.99	1999/3184
paragraphs 4 (partially), 5, 6, 9 (partially), 12(1) (partially), 12(3)(b), 15, 26, 30(1) (partially), 30(2), 31(1) (partially), 31(3), 32, 34(b), 37(1) and (4) (partially), 38(1) and (3) (partially), 39, 74 (partially), 75, 76(b), 83(1) (partially), 83(4), 88(1) (partially) and 88(5) as to Wales	1.12.99	1999/3184
paragraphs 1, 3, 4 (partially), 5, 7, 9 (remainder), 10, 11, 12 (remainder), 13, 23, 25, 27(a) (remainder), 28, 29, 30 (remainder), 34 (remainder), 37 (remainder), 38(1) (partially), 38(2)(a) and (c), 38(3) (remainder), 40, 71 (remainder), 74 (partially), 77 to 79, 81 (except (2)(b)), 83(1) to (5) and (7) (remainder), 87, 88(1) to (5) (remainder) and 89 as to England	4.1.00	1999/2342
paragraphs 74 (partially), 76(a)(i), 85(1) (partially) and 85(2)(a) as to England and Wales	4.1.00	1999/2342
paragraphs 4 (partially) and 16 as to England	4.1.00	1999/2540
paragraphs 4 (partially), 31 (remainder), 33 and 35 as to England	1.4.00	1999/2342
paragraphs 4 (partially), 14 (remainder) and 72 as to England	1.4.00	1999/2793
paragraphs 73, 74 (partially), 82 and 86 as to	1.4.00	1999/2342

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
England and Wales		
paragraphs 4 (partially), 27(b), 38(1) (partially), 38(2)(b) and (d) and 65 to 69 as to England and Wales	1.4.00	1999/2793
paragraphs 4 (partially), 8 (partially), 24, 27(a) (partially), 71(a) and (b), 74 (partially), 83(6), 84, 85(4) and 90 as to Wales	1.4.00	2000/1026
paragraphs 4 (partially) and 14 (partially) as to Wales	1.12.00	2000/2991
paragraphs 4 (partially), 14 (partially) and 72 as to Wales	1.1.01	2000/2991
paragraphs 73 and 86 (as to Scotland and Northern Ireland)	11.5.01	2001/1985
Schedule 5 (and s. 65(2))—		
as to England (partially)	1.10.99	1999/2540
as to England (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.4.00	1999/2793
as to the United Kingdom (partially)	1.11.99	1999/2793
as to England and Wales (partially)	1.4.00	2000/1041
as to England and Wales (partially)	9.2.01	2001/270
as to the United Kingdom (partially)	11.5.01	2001/1985
as to the United Kingdom (partially)	1.4.02	2002/1167
as to the United Kingdom (partially)	9.7.03	2003/1689