

This Statutory Instrument has been made in consequence of errors in S.I. 2004/288(C. 12) and is being issued free of charge to all known recipients of that Statutory Instrument

STATUTORY INSTRUMENTS

2004 No. 866 (C. 36)

NATIONAL HEALTH SERVICE, ENGLAND

**The Health and Social Care (Community Health and Standards) Act
2003 Commencement (No. 2) (Amendment) Order 2004**

Made - - - - *22nd March 2004*

The Secretary of State for Health, in exercise of the powers conferred on him by section 195(1)(b) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) (Amendment) Order 2004.

(2) This Order shall come into force on 23rd March 2004.

(3) In this Order, “the Order” means the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004(b).

Amendments to the Order

2.—(1) For article 1(5) of the Order (citation, commencement, interpretation and application), there shall be substituted as follows—

“(5) This Order applies to England and shall not apply to Wales, but subject to that and to any express limitation to the extent of an enactment contained in the Act—

(a) in so far as article 5 or 6 commences an amendment or repeal of an enactment, it has the same extent as that enactment; or

(b) in so far as article 7 or 8 modifies any enactment pending the coming into force of section 172(1) or 178(1) of the Act, it has the same extent as that enactment.”.

(2) In article 2(3) of the Order (appointed days for provisions relating to primary medical services), for the words “it relates to new section 16CC(1) of the 1977 Act” there shall be substituted the words “it is not in force”.

(3) In article 6(2) of the Order (repeals relating to primary medical services, general medical services and section 28C arrangements)—

(a) in sub-paragraph (d), at the end there shall be inserted “and Schedule 12A in so far as it relates to paragraphs 1(2)(d), 2(2)(c), 4(2)(b) and 5(2)(b)”;

(a) 2003 c. 43.
(b) S.I. 2004/288 (C. 12).

- (b) in sub-paragraph (m), for “paragraphs 18 to 24” there shall be substituted “paragraphs 18 to 23”;
- (c) in sub-paragraph (p), for “and 32” there shall be substituted “, 32 and 40(3)”; and
- (d) in sub-paragraph (r), for “paragraph 11(3)” there shall be substituted “paragraphs 5(4) to (6) and 11(3)”.

(4) For article 7(4)(f) of the Order (transitional provisions applying until the coming into force of section 172(1) of the Act), there shall be substituted—

“(ee) section 43C(3) (indemnity cover) shall be read as if in the definition of “Part II services”, the words “general dental services,” were inserted before the words “general ophthalmic services;

(f) section 43D (supplementary lists) shall be read as if—

(i) in subsection (1), after the words “general ophthalmic services” there were inserted “, general dental services,” and

(ii) in subsection (10), for the words “paragraphs (a) to (e), a supplementary list” there were substituted “paragraphs (b) to (e), a supplementary list, a list under section 28X”;

(5) In article 7(4)(o)(ii) of the Order, for “paragraph 6(b)” there shall be substituted “paragraph 6(bb)”.

(6) For article 7(8) of the Order, there shall be substituted—

“(8) In relation to Schedule 4A to the Water Industry Act 1991(a) (premises that are not to be disconnected for non-payment of charges), paragraph 7 shall be read as if the words “or primary dental services” were omitted and as if there were inserted at the end “or personal dental services under a pilot scheme (within the meaning of Part 1 of the National Health Service (Primary Care) Act 1997)”.

(7) There shall be added to the end of the Order a new article 9 as follows—

“Saving relating to the repeal of section 40(3) of the 1997 Act

9. Notwithstanding the repeal of section 40(3) of the 1997 Act (interpretation) in relation to personal medical services, section 54(1)(b) of the 1977 Act (sale of medical practices) shall be read as if section 40(3) of the 1997 Act was still in force.”.

Signed by authority of the Secretary of State for Health

22nd March 2004

John Hutton
Minister of State,
Department of Health

(a) 1991 c. 56.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order corrects various errors in the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) Order 2004. Article 2(1) brings section 174 of the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) fully into force on 1st April 2004. Article 2(2) makes provision for the Order to have the same extent as any enactment it commences subject to two exceptions. Article 2(3) amends article 6(2) of the Order which commences repeals set out in Schedule 14 to the 2003 Act. Article 2(4) makes transitional provision in relation to section 43C (indemnity cover) of the National Health Service Act 1977 and secondly, the repeal of words in section 43D(1) (supplementary lists) of that Act. Article 2(5) corrects a typing error. Article 2(6) corrects a typing error and makes further transitional provision in relation to the Water Industry Act 1991. Article 2(7) makes a saving in respect of the repeal of section 40(3) of the National Health Service (Primary Care) Act 1997 (interpretation) in so far as it relates to section 54 of the National Health Service Act 1977 and the sale of medical practices.

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