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STATUTORY INSTRUMENTS

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**2005 No. 2278 (C.95)**

**FOOD**

**The Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005**

*Made - - - - 11th August 2005*

The Secretary of State for Health, in exercise of the powers conferred upon her by section 199(1) (a) and (3) of the Health and Social Care (Community Health and Standards) Act 2003<sup>(1)</sup> and of all other powers enabling her in that behalf, hereby makes the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 (Commencement) (No. 7) Order 2005.

(2) In this Order “the Act” means the Health and Social Care (Community Health and Standards) Act 2003.

(3) In article 2 any reference to a section or a schedule is a reference to a section of or a schedule to the Act.

**Appointed day**

2.—(1) 12th August 2005 shall be the day appointed for the coming into force of section 185(1) (replacement of the Welfare Food Schemes: Great Britain) for the purpose only of consultation by the Secretary of State of the Scottish Ministers and the National Assembly for Wales before establishing, or varying, a scheme.

(2) 7th October 2005 shall be the day appointed for the coming into force of—

(a) section 185 for all other purposes except for the purposes of the Assembly—

(i) exercising by regulations the power to prescribe descriptions of food in relation to the operation of a scheme in Wales;

(ii) giving directions with the agreement of the Secretary of State—

(aa) to a body administering a scheme (or part of a scheme),

(bb) in relation to matters relating to the operation of a scheme (or that part of the scheme) in Wales; and

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(1) 2003 c. 43. Section 199(2) defines the “appropriate authority”.

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(b) section 196 (repeals and revocations) in so far as it relates to Part 5 of Schedule 14.

Signed by authority of the Secretary of State for Health

11th August 2005

*Warner*  
Minister of State  
Department of Health

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## EXPLANATORY NOTE

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

This Order is the seventh commencement order under the Health and Social Care (Community Health and Standards) Act 2003(2) (“the Act”).

Article 2(1) brings into force on 12th August 2005 section 185(1) of the Act (replacement of the Welfare Food Schemes: Great Britain) only for the purpose of consultation by the Secretary of State of the Scottish Ministers and the National Assembly for Wales (“the Assembly”) before the Secretary of State establishes or varies a scheme.

Article 2(2)(a) brings into force on 7th October 2005 section 185 of the Act for most other purposes. The section is not commenced in so far as it provides powers for the Assembly to make regulations and give directions. Article 2(2)(b) brings into force on that date section 196 of the Act (repeals and revocations) in order to effect the repeal relating to the replacement of the welfare food schemes set out in Part 5 of Schedule 14 to the Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Health and Social Care (Community Health and Standards) Act 2003 listed in the table below have been brought into force by a commencement order made before the date of this Order. Except where indicated, the provision has been commenced in relation to England and Wales.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	1.4.2004	<a href="#">2004/759</a>
Sections 2 to 4	1.1.2004	<a href="#">2003/3346</a>
Sections 5 to 20	1.4.2004	<a href="#">2004/759</a>
Sections 22 to 35	1.4.2004	<a href="#">2004/759</a>
Section 36	1.1.2004	<a href="#">2003/3346</a>
Sections 37 to 39	1.4.2004	<a href="#">2004/759</a>
Section 40	1.1.2004	<a href="#">2003/3346</a>
Section 41	8.1.2004	<a href="#">2003/3346</a>
Section 42	1.1.2004	<a href="#">2003/3346</a>
Section 43	11.3.2004	<a href="#">2004/759</a>
Sections 44 to 46	1.4.2004	<a href="#">2004/759</a>
Sections 48 and 49	1.4.2004	<a href="#">2004/759</a>
Section 50(1)	1.4.2004 (partially) and 1.4.2006 (remainder)	<a href="#">2004/759</a>

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(2) [2003 c. 43](#).

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 50(2) and (3)	1.4.2005	2004/759
Section 50(4)	1.4.2006	2004/759
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3), (5) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2004	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2004	2004/759
Section 52(5)	1.4.2004	2004/759
Section 53	1.4.2004 (remainder)	2004/759
Sections 54 to 56	1.4.2004	2004/759
Section 57	1.4.2004 (remainder)	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 76 to 84	1.4.2004	2004/759
Section 85	1.4.2005	2005/457
Sections 87 to 91	1.4.2004	2004/759
Sections 102 to 104	1.4.2004	2004/759
Section 106	1.4.2004	2004/759
Section 108	1.4.2004	2004/759
Sections 110 and 111	1.4.2004	2004/759
Section 112	11.3.2004	2004/759
Section 117(1) as to England	17.1.2005 (partially)	2005/38
Section 117(2) as to England	17.1.2005	2005/38
Sections 118 and 119	1.6.2004	2004/759
Sections 120 and 121	1.4.2004	2004/759
Sections 123 to 141	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England	1.1.2004 (partially)	2003/3346
Section 147	8.1.2004 (partially)	2003/3346
Section 147	11.3.2004 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	1.1.2004	2003/3346

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 174 as to England	1.3.2004 (partially) and 1.4.2004 (remainder)	2004/288 as amended by 2004/866
Section 175(1) as to England	3.2.2004 (partially)	2004/288
Section 175(1)	1.3.2004	2004/288
Section 175 as to England	1.4.2004	2004/288
Section 176 as to England	3.2.2004 (partially) and 1.3.2004 (partially)	2004/288
Section 177(3) to (11) as to England	1.3.2004 (partially)	2004/288
Section 177(12) as to England	1.4.2004 (partially)	2004/288
Section 178 as to England	1.4.2004 (partially)	2004/288
Section 179(1) as to England	3.2.2004 (partially)	2004/288
Section 179(2) as to England	3.2.2004	2004/288
Section 180 as to England	1.3.2004 (partially)	2004/288
Section 184 as to England	3.2.2004 (partially), 1.3.2004 (partially), 1.4.2004 (partially) and 17.1.2005 (partially)	2004/288  2005/38
Section 187	19.10.2004	2004/2626
Section 188	19.10.2004	2004/2626
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to England	1.3.2004 (partially) 1.4.2004 (partially) 17.1.2005 (partially)	2004/288  2005/38
Section 196	1.4.2004 (partially) and 1.4.2005 (partially)	2004/759 2005/457
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2003/3346
Schedule 6	8.1.2004	2003/3346
Schedule 7	1.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 1	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	1.4.2004	2004/759
Paragraphs 3 and 5 to 8	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	1.6.2004	2004/759
Paragraph 10	1.4.2004	2004/759
Paragraph 11	1.4.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraph 14	1.4.2004	2004/759
Paragraph 16	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 17 to 22	1.4.2004	2004/759
Paragraph 23(a)	1.4.2004	2004/759
Paragraph 23(b)	11.3.2004 (partially)	2004/759
Paragraphs 24 to 26	1.4.2004	2004/759
Paragraph 27	11.3.2004 (partially) and 1.4.2004 (partially)	2004/759
Paragraphs 28 to 30	1.4.2004	2004/759
Paragraph 31	1.4.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 32	1.4.2004	2004/288
Schedule 11		
Paragraph 1 as to England	1.4.2004	2004/288
Paragraph 2 as to England	1.4.2004 (partially)	2004/288
Paragraphs 3(1), (2)(a) and (3) to (5) as to England	1.4.2004 (partially)	2004/288
Paragraphs 4 to 6 as to England	1.4.2004	2004/288
Paragraph 7 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 9 as to England	1.4.2004	2004/288
Paragraphs 12 and 13 as to England	1.4.2004	2004/288

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraphs 14 to 17 as to England	1.3.2004 (partially)	2004/288
Paragraph 20 as to England	1.4.2004 (partially)	2004/288
Paragraph 21(1) and (3) as to England	1.4.2004 (partially)	2004/288
Paragraph 22 as to England	1.4.2004 (partially)	2004/288
Paragraph 23 as to England	3.2.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 24(a) as to England	1.4.2004	2004/288
Paragraph 25 as to England	1.4.2004	2004/288
Paragraph 26 as to England	1.4.2004 (partially)	2004/288
Paragraph 26 as to England	1.4.2004 (remainder)	2004/288
Paragraph 27 as to England	1.4.2004	2004/288
Paragraph 36(a) as to England	1.4.2004	2004/288
Paragraph 37 as to England	1.4.2004	2004/288
Paragraph 38 as to England	3.2.2004	2004/288
Paragraph 39 as to England	3.2.2004 (partially)	2004/288
Paragraphs 42 to 44 as to England	1.4.2004	2004/288
Paragraphs 45 and 46 as to England	1.4.2004	2004/288
Paragraphs 47 to 49 as to England	1.4.2004	2004/288
Paragraphs 51 and 52 as to England	1.4.2004	2004/288
Paragraph 53 as to England	1.4.2004 (partially)	2004/288
Paragraphs 55 to 59 as to England	1.4.2004	2004/288
Paragraph 60 as to England	1.4.2004 (partially)	2004/288
Paragraphs 62 and 63 as to England	1.4.2004	2004/288
Paragraphs 65 and 67(a) as to England	1.4.2004	2004/288
Paragraph 68 as to England	17.1.2005	2005/38
Paragraph 69 as to England	1.4.2004 (partially)	2004/288
Paragraphs 70, 71, 73 and 74 as to England	1.4.2004	2004/288
Schedule 12	19.10.2004	2004/2626

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 14 as to England	1.3.2004 (partially), 1.4.2004 (partially) and 17.1.2005 (partially)	<a href="#">2004/288</a>  <a href="#">2005/38</a>
Schedule 14	1.4.2004 (partially) and 1.4.2005 (partially)	<a href="#">2004/759</a> <a href="#">2005/457</a>