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## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Health Act 2006 (“the Act”).

Article 2 brings into force the provisions of sections 14 to 16 of the Act. These provisions amend Chapter 3 of Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 and relate to a Code of Practice for the prevention and control of health care associated infections.

Article 3 brings into force an amendment to Schedule 3 to the Health Act 1999 so as to remove the limitation that orders under section 60 of that Act may not make amendments to the Medicines Act 1968 except in connection with the regulation of pharmacists.

Article 4 brings into force the provisions of the Act relating to the Appointments Commission, which is established by section 57(1) of the Act. The National Health Service Appointments Commission is abolished by section 57(4) of the Act. The provisions are brought into force on 1<sup>st</sup> October 2006, except for certain provisions which are brought partially into force on 28<sup>th</sup> September 2006 for the purpose of conferring power to make directions to the Commission, and wholly into force on 1<sup>st</sup> October 2006.

Article 5 brings into force, except so far as relating to Welsh NHS bodies, section 56 of, and Schedule 3 and related provisions in Schedule 8 and 9 to, the Act on 1st October 2006. Section 56 substitutes section 98 of the National Health Service Act 1977 (“the 1977 Act”) with a new section which refers to the new Schedule 12B. Schedule 12B sets out the new arrangements for accounts and audits of certain health service bodies.

Article 6 contains a transitional provision (which does not affect Welsh NHS bodies) in relation, essentially, to section 56 of the Act. Paragraph (1)(a) provides that the arrangements in force as of 30th September 2006 under section 98 of the 1977 Act, and related measures, continue to apply to the bodies listed under section 98(1) in relation to the financial year 31st March 2007, despite the substitution of section 98 of the 1977 Act with Schedule 12B. Thus, the arrangements under new Schedule 12B to the 1977 Act apply in relation to the financial year beginning 1st April 2007 and to subsequent financial years. However, paragraph (2) disapplies section 98(4) of the 1977 Act (as in effect because of paragraph (1)(a)) as regards all Special Health Authorities for the financial year ending 31st March 2007.