

2006 No. 3125 (C.108)

DANGEROUS DRUGS, ENGLAND, SCOTLAND

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

The Health Act 2006 (Commencement No.2) Order 2006

Made - - - - *21st November 2006*

The Secretary of State for Health makes this Order in exercise of the powers conferred by section 83(7) and (8) of the Health Act 2006(a).

Citation and interpretation

1.—(1) This Order may be cited as the Health Act 2006 (Commencement No.2) Order 2006.

(2) In this Order—

“the 1977 Act” means the National Health Service Act 1977(b); and

“the 2006 Act” means the Health Act 2006.

Appointed day for provisions relating to the supervision and management of controlled drugs

2.—(1) 1st January 2007 is the appointed day for the coming into force of Chapter 1 of Part 3 of the 2006 Act as it applies in relation to England, in so far as it is not already in force(c).

(2) 1st March 2007 is the appointed day for the coming into force of Chapter 1 of Part 3 of the 2006 Act as it applies in relation to Scotland, in so far as it is not already in force.

Appointed day for provisions relating to applications to provide pharmaceutical services

3. 28th February 2007 is the appointed day for the coming into force of—

(a) section 34 of the 2006 Act, except in so far as it relates to the Assembly’s functions under section 42B of the 1977 Act; and

(b) section 35 of the 2006 Act, except in so far as it relates to the Assembly’s functions under section 42 of the 1977 Act but otherwise in so far as it is not already in force(d).

Appointed day for provisions relating to NHS costs recovery

4. 29th January 2007 is the appointed day for the coming into force, except in so far as it extends to Scotland, of section 73 of the Act in so far as it is not already in force(e).

(a) 2006 c.28.

(b) 1977 c.49.

(c) Section 83(1)(e) of the Act commenced the provisions of Chapter 1 of Part 3 of the Act on Royal Assent in so far as they confer powers to make regulations.

(d) Section 83(1)(e) of the Act commenced section 35 of the Act on Royal Assent in so far as it confers a power to make regulations.

(e) Section 83(1)(e) of the Act commenced section 73 of the Act on Royal Assent in so far as it confers a power to make regulations.

Signed by authority of the Secretary of State for Health

21st November 2006

Andy Burnham
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the second commencement order under the Health Act 2006 (“the 2006 Act”).

Article 2 commences Chapter 1 of Part 3 of the 2006 Act in relation to England and Scotland. This contains measures relating to the safe management and use of controlled drugs in certain health and social care settings. In particular, it provides for the appointment of accountable officers who are to ensure that specified organisations have appropriate arrangements for the safe and effective handling of controlled drugs, and it contains duties of collaboration between responsible bodies and rights of entry and inspection to relevant premises.

Article 3 commences sections 34 and 35 of the 2006 Act, except in so far as these provisions relate to functions of the National Assembly for Wales (the sections apply to England and Wales). These sections contain measures relating to applications for inclusion in a pharmaceutical list. These include powers to enable charges to be levied in relation to such applications, and powers to take into account proposals for the sale or supply of over the counter medicines and other healthcare products (that is, in addition to the proposals for the sale or supply of products on prescription), and proposals for the provision of certain types of advice, when determining applications for inclusion in a pharmaceutical list.

Article 4 commences section 73 of the 2006 Act in relation to England and Wales, which amends section 153 of Part 3 of the Health and Social Care (Community Health and Standards) Act 2003 (“the 2003 Act”) by substituting new wording for subsection (9) of that section. Part 3 of the 2003 Act provides for the NHS to recover the costs of hospital treatment and/or ambulance services where people receive compensation for injuries. The substitution will allow contributory negligence to be taken into account in cases where the claim for compensation is settled by a wide range of alternative dispute resolution mechanisms rather than only where it has been settled by mediation.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Health Act 2006 listed in the table below have been brought into force by a commencement order made before the date of this Order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-----------------------|-------------------------------------------------------|-----------------|
| Sections 14 to 16 | 1.10.2006 | 2006/2603 |
| Section 33 | 1.10.2006 | 2006/2603 |
| Section 56 | 1.10.2006 (partially) | 2006/2603 |
| Section 57 | 1.10.2006 | 2006/2603 |
| Sections 58 to 62 | 28.9.2006 (partially) and 1.10.2006 (remainder) | 2006/2603 |
| Sections 63 to 69 | 1.10.2006 | 2006/2603 |
| Section 70 | 28.9.2006 (partially) and 1.10.2006 (remainder) | 2006/2603 |
| Section 71 | 28.9.2006 (partially) and 1.10.2006 (remainder) | 2006/2603 |
| Section 80(1) and (2) | 1.10.2006 (partially) | 2006/2603 |
| Schedule 3 | 1.10.2006 (partially) | 2006/2603 |
| Schedule 4 | 1.10.2006 | 2006/2603 |
| Schedules 5 and 6 | 28.9.2006 (partially) and 1.10.2006 (remainder) | 2006/2603 |
| Schedule 7 | 1.10.2006 | 2006/2603 |
| Schedule 8 | | |
| Paragraphs 1 to 5 | 1.10.2006 | 2006/2603 |
| Paragraph 24(a) | 1.10.2006 (partially) | 2006/2603 |
| Paragraphs 26 to 28 | 1.10.2006 | 2006/2603 |
| Paragraph 31 | 1.10.2006 | 2006/2603 |
| Paragraph 35 | 1.10.2006 | 2006/2603 |
| Paragraphs 39 to 42 | 1.10.2006 (partially) | 2006/2603 |
| Paragraph 44 | 1.10.2006 (partially) | 2006/2603 |
| Paragraph 45(1) | 1.10.2006 (partially) | 2006/2603 |
| Paragraph 45(3) | 1.10.2006 | 2006/2603 |
| Paragraphs 47 and 48 | 1.10.2006 | 2006/2603 |
| Paragraph 49 | 1.10.2006 (partially) | 2006/2603 |
| Paragraphs 51 and 52 | 1.10.2006 | 2006/2603 |
| Paragraphs 56 to 61 | 1.10.2006 | 2006/2603 |
| Schedule 9 | 1.10.2006 (partially) | 2006/2603 |

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