

2008 No. 2717 (C. 120)

HEALTH CARE AND ASSOCIATED PROFESSIONS

**The Health and Social Care Act 2008 (Commencement No. 3)
Order 2008**

Made - - - - *16th October 2008*

The Secretary of State makes the following Order in exercise of the powers conferred by section 170(3) and (4) of the Health and Social Care Act 2008(a).

The Secretary of State has consulted the Scottish Ministers in accordance with section 172(1)(b) of that Act.

Citation

1. This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 3) Order 2008.

Appointed day for provisions relating to standard of proof in fitness to practise proceedings

2.—(1) 3rd November 2008 is the appointed day for the coming into force of section 112 of the Health and Social Care Act 2008 (standard of proof in fitness to practise proceedings), but only for the purposes of new proceedings.

(2) For the purposes of paragraph (1), “new proceedings” are all proceedings to which section 60A(1) of the Health Act 1999(b) applies, except –

- (a) proceedings under the General Optical Council (Fitness to Practise) Rules 2005(c) where the Presenting Officer addressed the Fitness to Practise Committee in relation to each allegation in accordance with rule 45 before 3rd November 2008;
- (b) proceedings under the General Medical Council (Fitness to Practise) Rules 2004(d) –
 - (i) before a Fitness to Practise Panel where the allegation and the alleged facts were read out by the person acting as secretary in accordance with rule 17(2)(c) before 31st May 2008, or
 - (ii) before the Investigation Committee where the Presenting Officer began to outline the allegation and the facts in accordance with rule 11(7) before 31st May 2008;
- (c) proceedings under the Nursing and Midwifery Council (Fitness to Practise) Rules 2004(e) where the Chair of the Committee asked for the charge to be read out in accordance with rule 24(2)(b) before 3rd November 2008;

(a) 2008 c. 14.
(b) 1999 c.8; section 60A is inserted by section 112 of the Health and Social Care Act 2008.
(c) Scheduled to S.I. 2005/1475.
(d) Scheduled to S.I. 2004/2608.
(e) Scheduled to S.I. 2004/1761; relevant amending instrument is S.I. 2007/893.

- (d) proceedings under the Nurses, Midwives and Health Visitors (Professional Conduct) Rules 1993(a) where the charge was read in accordance with rule 15(2) before 3rd November 2008;
- (e) proceedings under the General Dental Council Professional Conduct Committee (Procedure) Rules 1984(b); and
- (f) proceedings under the General Dental Council Health Committee (Procedure) Rules 1984(c).

Signed by authority of the Secretary of State for Health.

16th October 2008

Ben Bradshaw
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third commencement order made under the Health and Social Care Act 2008 and brings into force section 112 of that Act, which applies the civil standard of proof in fitness to practise proceedings of statutory regulators of health care professions. Section 112 is brought into force on 3rd November 2008 for the purposes of new proceedings; “new proceedings” are defined in article 2(2).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health and Social Care Act 2008 have been or are being brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1(1)	1st October 2008	2008/2497 (C. 106)
Section 1(3) (partially)	1st October 2008	2008/2497 (C. 106)
Section 2(1)	1st October 2008	2008/2497 (C. 106)
Sections 3 to 7	1st October 2008	2008/2497 (C. 106)
Section 9	1st October 2008	2008/2497 (C. 106)
Section 46(4) to (8)	1st October 2008	2008/2497 (C. 106)
Section 47	1st October 2008	2008/2497 (C. 106)
Section 66 (partially)	1st October 2008	2008/2497 (C. 106)
Sections 76 to 83	1st October 2008	2008/2497 (C. 106)
Section 85	1st October 2008	2008/2497 (C. 106)
Section 88	1st October 2008	2008/2497 (C. 106)
Section 95 (partially)	1st October 2008	2008/2497 (C. 106)
Section 97	1st October 2008	2008/2497 (C. 106)
Section 111 (partially)	1st October 2008	2008/2497 (C. 106)

- (a) Scheduled to S.I. 1993/893. These rules are no longer in force, but are transitionally preserved for some purposes by virtue of S.I. 2004/1762.
- (b) Scheduled to S.I. 1984/1517. These rules are no longer in force, but are transitionally preserved for some purposes by virtue of Schedule 7 to S.I. 2005/2011.
- (c) Scheduled to S.I. 1984/2010. These rules are no longer in force, but are transitionally preserved for some purposes by virtue of Schedule 7 to S.I. 2005/2011.

Section 123(3) to (6)	1st October 2008	2008/2497 (C. 106)
Section 127 (partially)	25th August 2008	2008/2214 (C. 100)
Section 142	1st October 2008	2008/2497 (C. 106)
Section 143	1st October 2008	2008/2497 (C. 106)
Section 157(1) (partially)	1st October 2008	2008/2497 (C. 106)
Section 157 insofar as not already in force	1st January 2009	2008/2497 (C. 106)
Section 158	1st January 2009	2008/2497 (C. 106)
Section 160 (partially)	1st October 2008	2008/2497 (C. 106)
Section 160 (partially)	1st January 2009	2008/2497 (C. 106)
Section 166 (partially)	1st January 2009	2008/2497 (C. 106)
Paragraphs 1 to 5 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(3) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 6(4) of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 6(6) to 6(8) of Schedule 1	1st October 2008	2008/2497 (C. 106)
Paragraph 7 of Schedule 1 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraphs 8 to 12 of Schedule 1	1st October 2008	2008/2497 (C. 106)
Schedule 2	1st October 2008	2008/2497 (C. 106)
Paragraph 1 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 3 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 5 of Schedule 4 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraphs 7 and 8 of Schedule 4	1st October 2008	2008/2497 (C. 106)
Paragraph 54(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 56(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 57(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 57(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 58(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 59(1) of Schedule 5 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 59(2)(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 73(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 80(b) of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 94 of Schedule 5	1st October 2008	2008/2497 (C. 106)
Paragraph 3 of Schedule 8 (partially)	1st October 2008	2008/2497 (C. 106)
Paragraph 5(4) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraph 8(a) of Schedule 8	1st October 2008	2008/2497 (C. 106)
Paragraph 20 of Schedule 10	25th August 2008	2008/2214 (C. 100)
Paragraph 21 of Schedule 10 (partially)	25th August 2008	2008/2214 (C. 100)
Paragraphs 2 to 4 of Schedule 14	1st October 2008	2008/2497 (C. 106)
Paragraph 5 of Schedule 14	1st January 2009	2008/2497 (C. 106)
Part 6 of Schedule 15	1st January 2009	2008/2497 (C. 106)

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STATUTORY INSTRUMENTS

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