

2008 No. 2994 (C. 129)

HUMAN RIGHTS

NATIONAL HEALTH SERVICE, ENGLAND

PUBLIC HEALTH, ENGLAND

SOCIAL CARE

**The Health and Social Care Act 2008 (Commencement No. 4)
Order 2008**

Made - - - - *15th November 2008*

The Secretary of State for Health 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).

Citation and interpretation

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 4) Order 2008.

(2) In this Order, “the Act” means the Health and Social Care Act 2008.

Appointed day for provisions relating to the Human Rights Act 1998

2.—(1) Except as provided in paragraph (2), 1st December 2008 is the appointed day for the coming into force of section 145 of the Act (Human Rights Act 1998: provision of certain social care to be public function).

(2) Paragraph (1) does not apply to a person who is an adult placement carer within the meaning of regulation 46 of the Care Homes (Wales) Regulations 2002 (*Rheoliadau Cartrefi Gofal (Cymru) 2002*)(b).

Appointed days for provisions relating to financial assistance related to provision of health and social care services

3.—(1) 1st December 2008 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 155 (power to form company);

(b) the following provisions of section 156 (interpretation of group of sections)—

(a) 2008 c. 14. See section 171(2) of that Act for the definition of “appropriate authority”.

(b) S.I. 2002/324.

- (i) subsection (1);
- (ii) subsection (2), insofar as it defines “company”.

(2) 1st April 2009 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 149 (power of the Secretary of State to give financial assistance);
- (b) section 150 (qualifying bodies);
- (c) section 151 (forms of assistance under s. 149);
- (d) section 152 (terms on which assistance under s. 149 is given);
- (e) section 153 (directions to certain NHS bodies);
- (f) section 154 (arrangements with other third parties);
- (g) section 156 (interpretation of group of sections), subsection (2), insofar as it is not already in force.

Signed by authority of the Secretary of State for Health.

Phil Hope
Minister of State,
Department of Health

15th November 2008

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order made under the Health and Social Care Act 2008 (“the Act”).

Article 2 brings into force on 1st December 2008 section 145 of the Act which makes the provision of certain accommodation and care in a care home a function of a public nature for the purposes of the Human Rights Act 1998. Section 145 is not brought into force in relation to adult placement carers within the meaning of regulation 46 of the Care Homes (Wales) Regulations 2002.

Article 3 brings into force—

On 1st December 2008, section 155 of the Act which allows the Secretary of State to form (or participate in the forming of) companies in connection with the giving of financial assistance under section 149 of the Act. The definitions of “this group of sections” and “company” in section 156 are also commenced.

On 1st April 2009, sections 149 to 154 of the Act, which relate to financial assistance related to the provision of health and social care services, and section 156 of the Act insofar as it is not already in force.

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 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)	1.10.2008	2008/2497 (C.106)
section 1(3) (partially)	1.10.2008	2008/2497 (C.106)

section 2(1)	1.10.2008	2008/2497 (C.106)
sections 3 to 7	1.10.2008	2008/2497 (C.106)
section 9	1.10.2008	2008/2497 (C.106)
section 46(4) to (8)	1.10.2008	2008/2497 (C.106)
section 47	1.10.2008	2008/2497 (C.106)
section 66 (partially)	1.10.2008	2008/2497 (C.106)
sections 76 to 83	1.10.2008	2008/2497 (C.106)
section 85	1.10.2008	2008/2497 (C.106)
section 88	1.10.2008	2008/2497 (C.106)
section 95 (partially)	1.10.2008	2008/2497 (C.106)
section 97	1.10.2008	2008/2497 (C.106)
section 111 (partially)	1.10.2008	2008/2497 (C.106)
section 112 (partially)	3.11.2008	2008/2717 (C.120)
section 123(3) to (6)	1.10.2008	2008/2497 (C.106)
section 127 (partially)	25.8.2008	2008/2214 (C.100)
section 142	1.10.2008	2008/2497 (C.106)
section 143	1.10.2008	2008/2497 (C.106)
section 157 (partially)	1.10.2008	2008/2497 (C.106)
Section 157 (fully)	1.1.2009	2008/2497 (C.106)
section 158	1.1.2009	2008/2497 (C.106)
section 160 (partially)	1.10.2008	2008/2497 (C.106)
Section 160 (partially)	1.1.2009	2008/2497 (C.106)
section 166 (partially)	1.1.2009	2008/2497 (C.106)
Schedule 1—		
paragraphs 1 to 5	1.10.2008	2008/2497 (C.106)
paragraph 6(3)	1.10.2008	2008/2497 (C.106)
paragraph 6(4) (partially)	1.10.2008	2008/2497 (C.106)
paragraph 6(6) to (8)	1.10.2008	2008/2497 (C.106)
paragraph 7 (partially)	1.10.2008	2008/2497 (C.106)
paragraphs 8 to 12	1.10.2008	2008/2497 (C.106)
Schedule 2	1.10.2008	2008/2497 (C.106)
Schedule 4—		
paragraph 1	1.10.2008	2008/2497 (C.106)
paragraph 3	1.10.2008	2008/2497 (C.106)
paragraph 5 (partially)	1.10.2008	2008/2497 (C.106)
paragraphs 7 and 8	1.10.2008	2008/2497 (C.106)
Schedule 5—		
paragraph 54(b)	1.10.2008	2008/2497 (C.106)
paragraph 56(b)	1.10.2008	2008/2497 (C.106)
paragraph 57(1) (partially)	1.10.2008	2008/2497 (C.106)
paragraph 57(2)(b)	1.10.2008	2008/2497 (C.106)
paragraph 58(b)	1.10.2008	2008/2497 (C.106)
paragraph 59(1) (partially)	1.10.2008	2008/2497 (C.106)
paragraph 59(2)(b)	1.10.2008	2008/2497 (C.106)
paragraph 73(b)	1.10.2008	2008/2497 (C.106)
paragraph 80(b)	1.10.2008	2008/2497 (C.106)
paragraph 94	1.10.2008	2008/2497 (C.106)
Schedule 8—		
paragraph 3 (partially)	1.10.2008	2008/2497 (C.106)
paragraph 5(4)	1.10.2008	2008/2497 (C.106)
paragraph 8(a)	1.10.2008	2008/2497 (C.106)
Schedule 10—		
paragraph 20	25.8.2008	2008/2214 (C.100)

paragraph 21 (partially)	25.8.2008	2008/2214 (C.100)
Schedule 14—		
paragraphs 2 to 4	1.10.2008	2008/2497 (C.106)
paragraph 5	1.1.2009	2008/2497 (C.106)
Schedule 15—		
Part 6	1.1.2009	2008/2497 (C.106)

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