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STATUTORY INSTRUMENTS

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**2010 No. 30 (C. 5)**

**NATIONAL HEALTH SERVICE  
MEDICINES  
PUBLIC HEALTH  
HUMAN FERTILISATION AND EMBRYOLOGY  
HUMAN TISSUE  
DISCLOSURE OF INFORMATION**

The Health Act 2009 (Commencement No. 1) Order 2010

*Made*     -   -   -   -     *7th January 2010*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 40(1) and (4) of the Health Act 2009<sup>(1)</sup>.

In accordance with sections 40(9) to (12) of that Act, the Secretary of State has consulted the Welsh Ministers, the Scottish Ministers and the Department of Health, Social Services and Public Safety in Northern Ireland.

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Health Act 2009 (Commencement No. 1) Order 2010.
- (2) In this Order “the Act” means the Health Act 2009.

**Appointed day - various**

2. 19th January 2010 is the day appointed for the coming into force of the following provisions of the Act—

- (a) sections 1 to 7 (NHS Constitution);
- (b) sections 11 to 13 (direct payments for health care) and Schedule 1 (direct payments: minor and consequential amendments);

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(1) 2009 c. 21.

- (c) section 15(1) (de-authorisation of NHS foundation trusts) for the purposes only of the Independent Regulator of NHS Foundation Trusts consulting on and publishing guidance in accordance with section 52C of the National Health Service Act 2006<sup>(2)</sup>;
- (d) paragraphs 1 to 13 of Schedule 3 (NHS and other health appointments: suspension);
- (e) paragraphs 18 and 19 of Schedule 3 except in so far as they relate to amendments of the National Health Service (Wales) Act 2006<sup>(3)</sup>;
- (f) section 19 in so far as it relates to the paragraphs of Schedule 3 as referred to in paragraphs (d) and (e);
- (g) section 33 (private patient income of mental health foundation trusts); and
- (h) section 36 (disclosure of information by Her Majesty's Revenue and Customs).

#### **Appointed day for provisions relating to trust special administrators**

**3.** 15th February 2010 is the day appointed for the coming into force of the following provisions of the Act<sup>#</sup>

- (a) sections 16 and 17 (trust special administrators);
- (b) section 18 (trust special administrators: consequential amendments) except in relation to any references to section 52B, 52C, 52D or 52E of the National Health Service Act 2006 in subsections (5), (8), (9) or (12);
- (c) Schedule 2 (de-authorised foundation trusts), and section 15(2) in so far as it relates to that Schedule, except in relation to the references to section 52D of the National Health Service Act 2006 in paragraphs 1(1) and 4(1).

#### **Appointed day for provisions relating to quality accounts**

**4.** 1st April 2010 is the day appointed for the coming into force of sections 8 to 10 of the Act (quality accounts) in so far as not already in force<sup>(4)</sup>.

Signed by authority of the Secretary of State for Health.

7th January 2010

*Mike O'Brien*  
Minister of State,  
Department of Health

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<sup>(2)</sup> 2006 c. 41. Section 52C is inserted by section 15 of the Health Act 2009.

<sup>(3)</sup> 2006 c. 43.

<sup>(4)</sup> Sections 8, 9(5) and 10 of the Health Act 2009 (c. 21) ("the Act") came into force for the purposes of making regulations on 12th November 2009 (see section 40(6) of the Act).

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## EXPLANATORY NOTE

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

This Order is the first commencement order for the Health Act 2009 (“the Act”).

Article 2 brings into force on 19th January 2010 sections 1 to 7 of the Act on the NHS Constitution (article 2(a)), sections 11 to 13 of and Schedule 1 to the Act relating to direct payments for health care (article 2(b)), section 19 and certain paragraphs of Schedule 3 to the Act which contain amendments to provide for powers of suspension in relation to certain NHS and other bodies concerned with health (article 2(d) to (f)), section 33 relating to private patient income of mental health foundation trusts (article 2(g)) and section 36 regarding disclosure of information by Her Majesty’s Revenue and Customs (article 2(h)). Article 2(c) brings section 15 (de-authorisation of NHS foundation trusts) into force on 19th January only to enable the Independent Regulator of NHS Foundation Trusts, Monitor, to carry out its duty of consultation pursuant to section 52C of the National Health Service Act 2006.

Other provisions are commenced on subsequent dates in 2010. Sections 16 and 17 of the Act relating to trust special administrators of NHS trusts, NHS foundation trusts and Primary Care Trusts and sections 15(2) and 18, and Schedule 2, in so far as they relate to sections 16 and 17, are brought into force on 15th February (article 3). Sections 8 to 10 relating to quality accounts, in so far as they are not already in force, are brought into force on 1st April (article 4).