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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).