
WELSH STATUTORY INSTRUMENTS

2023 No. 1039 (W. 174)

NATIONAL HEALTH SERVICE, WALES

The Health Act 2009 (Commencement
No. 4) (Wales) Order 2023

Made - - - - 22 September 2023

The Welsh Ministers, in exercise of the powers conferred on them by section 40(2)(c) of the Health Act 2009(1), make the following Order.

Title

1. The title of this Order is the Health Act 2009 (Commencement No. 4) (Wales) Order 2023.

Appointed day

2. 26 September 2023 is the day appointed for the coming into force of section 31(2) of the Health Act 2009.

22 September 2023

Eluned Morgan
Minister for Health and Social Services, one of
the Welsh Ministers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth commencement order made by the Welsh Ministers under the Health Act 2009 (“the Act”).

This Order brings into force section 31(2) of the Act, which amends section 107(9) of the National Health Service (Wales) Act 2006 (“the 2006 Act”). Section 107 of the 2006 Act confers a power on Local Health Boards to remove a practitioner from a pharmaceutical or ophthalmic list where certain conditions are met. Section 31(2) of the Act amends the definition of “practitioner” in section 107(9) of the 2006 Act to clarify that references to practitioners in Chapter 2 of Part 8 of the 2006 Act are to practitioners included in a pharmaceutical list or an ophthalmic list.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Act listed in the table below have been brought into force in relation to Wales by commencement orders made by the Welsh Ministers.

Provision	Date of Commencement	S.I. Number
Section 19 in so far as it relates to paragraphs 14 to 17, 18 and 19 of Schedule 3.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Schedule 3, paragraphs 14 to 17.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Schedule 3, paragraphs 18 and 19 except in so far as they relate to amendments of the 2006 Act.	1 April 2010	S.I. 2010/930 (W. 95) (C. 63)
Section 22 in so far as it is not already in force.	1 February 2012	S.I. 2011/2362 (W. 248) (C. 83)
Schedule 4, paragraphs 7(6), 8(1), 8(3) and, in so far as it relates to paragraphs 7(6), 8(1) and 8(3), paragraph 2.	1 June 2012	S.I. 2012/1288 (W. 165) (C. 45)
Section 21 (to the extent that it is not already in force) in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002 (for the purpose of large shops other than bulk tobacconists and specialist tobacconists).	3 December 2012	S.I. 2012/1288 (W. 165) (C. 45)

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Provision	Date of Commencement	S.I. Number
Schedule 4, paragraph 6(2) and paragraph 6(1) (in so far as it relates to paragraph 6(2)), paragraph 10, paragraphs 11 and 12 (to the extent they are not already in force), paragraph 2 (in so far as it relates to paragraphs 6(2), 6(1), 10, 11 and 12), and section 24 (in so far as it relates to those paragraphs).	3 December 2012	S.I. 2012/1288 (W. 165) (C. 45)
Section 20 to the extent that it is not already in force.	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)
Section 21 in so far as it inserts sections 7A, 7B and 7C of the Tobacco Advertising and Promotion Act 2002, to the extent that it is not already in force.	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)
Schedule 4, paragraph 2 (to the extent that it is not already in force), paragraph 3, paragraph 4(2) and (5) and paragraph 4(1) (in so far as it relates to those sub-paragraphs), and section 24 (in so far as it relates to those paragraphs).	6 April 2015	S.I. 2012/1288 (W. 165) (C. 45)

The provisions of the Act listed in the table below have been brought into force in relation to Wales by commencement orders made by the Secretary of State.

Provision	Date of Commencement	S.I. Number
Section 36	19 January 2010	S.I. 2010/30 (C. 5)
Schedule 6 in so far as it gives effect to the repeal relating to the Children and Young Persons Act 1933 (c.12), and section 38, in so far as it gives effect to that provision.	1 October 2011	S.I. 2010/1068 (C. 70) as amended by S.I. 2011/1255 (C. 49)
Schedule 6 in so far as it gives effect to the repeal relating to section 14(12) of the Tobacco Advertising and Promotion Act 2002 (c.36),	6 April 2012	S.I. 2010/1068 (C. 70) as amended by S.I. 2011/1255 (C. 49)

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Provision	Date of Commencement	S.I. Number
and section 38 in so far as it gives effect to that provision.		
The entries in Schedule 6 that relate to the Tobacco Advertising and Promotion Act 2002 (c.36) in so far as not already in force, and section 38 in so far as it relates to those entries in Schedule 6.	31 October 2012	S.I. 2012/2647 (C. 105)

Various provisions of the Act have been brought into force in relation to England by [S.I. 2010/30 \(C. 5\)](#); [S.I. 2010/779 \(C. 52\)](#); [S.I. 2010/1068 \(C. 70\)](#); [S.I. 2010/1863 \(C. 95\)](#); [S.I. 2011/1255 \(C. 49\)](#); [S.I. 2012/1902 \(C. 76\)](#) and [S.I. 2012/2647 \(C. 105\)](#).