
STATUTORY INSTRUMENTS

2012 No. 1831

The Health and Social Care Act 2012 (Commencement No.2 and Transitional, Savings and Transitory Provisions) Order 2012

Commencement of provisions

2.—(1) Insofar as they are not already in force⁽¹⁾, the following provisions of the Act shall come into force in accordance with this Order.

(2) 1st October 2012 is the day appointed for the coming into force of the following provisions of the Act—

section 1 (Secretary of State's duty to promote the comprehensive health service) only insofar as it—

- (a) substitutes section 1(1) of the 2006 Act, and
- (b) relates to the Board's duty under section 1H(2) and (3)(b) of the 2006 Act;

section 9(1) (the National Health Service Commissioning Board) only insofar as it inserts section 1H(1), (2), (3)(b) and (4) into the 2006 Act (the NHS Commissioning Board and its general functions);

section 9(2) and Schedule 1 (the National Health Service Commissioning Board), except insofar as it inserts paragraph 17 of Schedule A1 into the 2006 Act (interim accounts);

section 10 (clinical commissioning groups) only insofar as it inserts section 1I(1) into the 2006 Act;

section 17(13) (powers in relation to research) only insofar as it confers powers on the Board;

section 21 (functions of Special Health Authorities);

section 22 (exercise of public health functions of the Secretary of State) for the purpose only of enabling—

- (a) the Secretary of State to arrange for the Board or a clinical commissioning group to exercise public health functions of the Secretary of State on or after the date on which section 22 comes fully into force, and
- (b) the Board to arrange for a clinical commissioning group to exercise public health functions under section 7A(4) of the 2006 Act on or after the date on which section 22 comes fully into force;

section 23 (the National Health Service Commissioning Board: further provision) only insofar as it inserts into the 2006 Act—

- (a) sections 13A to 13D,
- (b) section 13E(1) to (3) and (4)(a),
- (c) sections 13F to 13J,
- (d) sections 13K(1) and 13L,
- (e) section 13N,

(1) See section 306(1) of the Act for the provisions which came into force on the day the Act was passed and S.I. 2012/1319 (C. 47) for provisions of the Act which came into force by Order on earlier dates.

- (f) section 13P,
- (g) section 13R,
- (h) section 13T for the purpose only of the first business plan of the Board for the financial year ending 31st March 2014 and subsequent financial years;
- (i) section 13U, except for section 13U(2)(c),
- (j) section 13W,
- (k) section 13Y,
- (l) sections 13Z to 13Z3, and
- (m) section 13Z4(1), except insofar as the definition of “health services” relates to section 13Q;

section 24 (financial arrangements for the Board) only insofar as it inserts section 223B(2) and (3) into the 2006 Act;

section 25(1) (clinical commissioning groups: establishment etc.), except insofar as it inserts section 14I into the 2006 Act;

Schedule 2 only insofar as it inserts the following paragraphs of Schedule 1A into the 2006 Act—

- (a) paragraphs 1 to 10,
- (b) paragraph 12(1) to (3) and (4)(a),
- (c) paragraph 12(4)(b) except insofar as it relates to employees of the group or groups,
- (d) paragraph 12(9)(a)(i) and (iv) and (b),
- (e) paragraph 12(9)(a)(iii) only insofar as it relates to paragraphs 17(1), (2) and (9) and 19,
- (f) paragraphs 17(1), (2) and (9), and
- (g) paragraph 19,

and section 25(2) insofar as it relates to those paragraphs;

section 26 (clinical commissioning groups: general duties etc.) only insofar as it inserts into the 2006 Act—

- (a) sections 14P to 14R,
- (b) sections 14T to 14Y,
- (c) section 14Z1,
- (d) section 14Z3(1), (2), (6) and (7), except insofar as section 14Z3(7) relates to section 14Z9,
- (e) section 14Z8, and section 14Z7(7) insofar as it relates to section 14Z8,
- (f) section 14Z10,
- (g) sections 14Z11 and 14Z12 for the purpose only of a clinical commissioning group preparing a plan for the financial year ending 31st March 2014, and subsequent financial years,
- (h) section 14Z13(1), (2) and (8)(a) and (b),
- (i) sections 14Z17 to 14Z20,
- (j) section 14Z21(1) to (10) and (14),
- (k) section 14Z22 to 14Z24(1), except insofar as the definition of “health services” relates to section 14Z2;

section 27 (financial arrangements for clinical commissioning groups) only insofar as it inserts into the 2006 Act—

(a) section 223G(3) for the purpose only of notifying a clinical commissioning group of its allotment for the financial year ending 31st March 2014 and subsequent financial years, and section 223G(4) and (5) in relation to any such allotment, and

(b) section 223I(2), (3) and (6), and section 223I(1) insofar as it relates to those paragraphs; section 147 (Secretary of State's duty as respects variation in provision of health services), only insofar as the provisions in sections 6E and 13A of the 2006 Act, and section 75 of the Act, are in force⁽²⁾;

section 151(1) and (9) (governors);

section 154 (accounts: initial arrangements);

section 158 (voting);

section 164(1) to (3) and (6) (goods and services);

section 165 (private health care);

section 181 (Healthwatch England), except for subsection (4) insofar as it inserts the following provisions into the Health and Social Care Act 2008⁽³⁾—

(a) section 45A(2) and (4),

(b) section 45A(1) insofar as it relates to section 45A(2) or (4),

(c) section 45C(2)(b), and

(d) section 45C(4),

and except for subsection (5) insofar as it relates to a function under the provisions inserted by subsection (4);

section 212(1) (abolition of the General Social Care Council);

section 223(3) and (6) (functions of the Professional Standards Authority);

section 281 (abolition of the National Patient Safety Agency);

section 290(1), (2), (3)(a) and (d) and (4) to (8) and 291 (duties to co-operate and breach of such duties);

section 294 (failure to discharge functions by the Care Quality Commission);

sections 295 and 296 (arrangements between the Board and Northern Ireland Ministers and Scottish Ministers) only insofar as it is necessary to enable the Board to prepare itself to exercise functions under those subsections on or after the date on which section 9(1) comes fully into force;

section 298 (advice or assistance to public authorities in the Isle of Man or Channel Islands);

sections 300 to 302 and Schedules 22 and 23 (transfer schemes) insofar as they relate to the Board and a clinical commissioning group;

in Schedule 4 (amendments of the 2006 Act)—

(a) paragraph 1 insofar as it relates to the Board and clinical commissioning groups,

(b) paragraphs 6(2)(a) and 7(a),

(c) paragraph 13,

(d) paragraph 18(2)(a), (d) and (e), (3), (4)(a) and (6)(a), and paragraph 18(1) insofar as it relates to those provisions,

⁽²⁾ See section 306(1) of the Act for the provisions which came into force on the day the Act was passed.

⁽³⁾ 2008 c. 14.

- (e) paragraph 104(2) and (3)(a), and paragraph 104(1) insofar as it relates to those provisions,
- (f) paragraph 109(a),
- (g) paragraph 110(2)(a) and (3)(a) and paragraph 110(1) insofar as it relates to those provisions,
- (h) paragraph 111(3)(a), (4)(a) and (c) and paragraph 111(1) insofar as it relates to those provisions,
- (i) paragraph 112,
- (j) paragraph 113(a) insofar as it inserts section 217(1)(ea) into the 2006 Act (trusts: supplementary provisions),
- (k) paragraph 115,
- (l) paragraph 117(1),
- (m) paragraph 125(4) to (6),
- (n) paragraph 137,
- (o) paragraph 138(2)(a) and (c), (4) and (5),
- (p) paragraph 139(2), and paragraph 139(1) insofar as it relates to that provision, and section 55(1) only insofar as it relates to those paragraphs; in Schedule 5 (amendment of other enactments)—
 - (a) paragraph 5(a) and (c),
 - (b) paragraph 6,
 - (c) paragraph 7(b),
 - (d) paragraph 8(a)(i) and (b)(i), except insofar as the amendments insert reference to “a local authority”,
 - (e) paragraph 10(a)(i) and (b)(i),
 - (f) paragraph 12(2)(a), and paragraphs 11 and 12(1) insofar as they relate to that paragraph,
 - (g) paragraph 14(a),
 - (h) paragraph 20(c),
 - (i) paragraph 22(a) and 23(b), and paragraph 21 insofar as it relates to those paragraphs,
 - (j) paragraph 44(a),
 - (k) paragraph 68(c), and paragraph 67 insofar as it relates to that paragraph,
 - (l) paragraph 74(a) and 75(a), and paragraph 72 insofar as it relates to those paragraphs,
 - (m) paragraph 76(a),
 - (n) paragraph 96,
 - (o) paragraph 99(b),
 - (p) paragraph 100(a),
 - (q) paragraph 147(a) and (b)(i),
 - (r) paragraph 175(3)(c) only insofar as it inserts subsection (2)(ca) and (cb) into section 2 of the Health Act 2009(4), and paragraphs 173 and 175(1) only insofar as they relate to that paragraph,
 - (s) paragraph 182(a), and paragraph 180 insofar as it relates to that paragraph, and
 - (t) paragraph 184(c),

and section 55(2) only insofar as it relates to those paragraphs;
in Schedule 6—

- (a) paragraph 1,
- (b) paragraph 2(2),
- (c) paragraphs 3 to 13, and section 26 insofar as it inserts section 14Z4(1), 14Z5(2) and 14Z7(7) into the 2006 Act for the purpose of paragraph 11(2) of Schedule 6 only,
and section 55(3) insofar as it relates to those paragraphs.

(3) 31st October 2012 is the day appointed for the coming into force of section 279 of, and Part 2 of Schedule 20 to, the Act.