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STATUTORY INSTRUMENTS

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**2013 No. 160 (C. 9)**

**NATIONAL HEALTH SERVICE  
MENTAL HEALTH, ENGLAND AND WALES**

**The Health and Social Care Act 2012 (Commencement No.4,  
Transitional, Savings and Transitory Provisions) Order 2013**

Made - - - - 28th January 2013

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 304(10) and 306 of the Health and Social Care Act 2012(1).

In accordance with section 307 of that Act(2), the Secretary of State has consulted the Scottish Ministers.

**Citation and interpretation**

1.—(1) This Order may be cited as the Health and Social Care Act 2012 (Commencement No.4, Transitional, Savings and Transitory Provisions) Order 2013.

(2) In this Order—

“the 2012 Act” means the Health and Social Care Act 2012;

“the 2006 Act” means the National Health Service Act 2006(3);

“financial year” means the period which begins on 1st April and ends on the following 31st March.

**Commencement of provisions**

2.—(1) Insofar as they are not already in force(4), the following provisions of the 2012 Act shall come into force in accordance with this Order.

(2) 1st April 2013 is the day appointed for the coming into force of—

section 1 (Secretary of State’s duty to promote a comprehensive health service);

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(1) [2012 c. 7](#).

(2) Consultation with Scottish Ministers is required by section 307(1)(a), (b) and (l) of the Health and Social Care Act [2012 \(c. 7\)](#) (“the 2012 Act”) by virtue of the commencement of sections 58 and 60 of, and paragraphs 2, 3 and 4 of Schedule 21 to, the 2012 Act, and section 297 so far as relating to those paragraphs, in article [2\(2\)](#) of this Order.

(3) [2006 c. 41](#).

(4) See section 306(1) of the 2012 Act for the provisions which came into force on the day that Act was passed, and [S.I. 2012/1319 \(C. 47\)](#), [2012/1831 \(C. 71\)](#) and [2012/2657 \(C. 107\)](#) for provisions of the 2012 Act which came into force by Order on earlier dates.

section 2 (the Secretary of State's duty as to improvement in quality of services);  
section 3 (the Secretary of State's duty as to the NHS constitution);  
section 4 (the Secretary of State's duty as to reducing inequalities);  
section 5 (the Secretary of State's duty as to promoting autonomy);  
section 6 (the Secretary of State's duty as to research);  
section 7 (the Secretary of State's duty as to education and training);  
section 9 and Schedule 1 (the NHS Commissioning Board);  
section 10 (clinical commissioning groups);  
section 11 (the Secretary of State's duty as to protection of public health);  
section 12 (duties as to improvement of public health);  
section 13 (duties of clinical commissioning groups as to commissioning certain health services);  
section 14 (power of clinical commissioning groups as to commissioning certain health services);  
section 16 (secure psychiatric services);  
section 17 (other services etc. provided as part of the health service);  
section 18 (regulations as to the exercise by local authorities of certain public health functions);  
section 19 (regulations relating to EU obligations);  
section 22 (exercise of public health functions of the Secretary of State);  
section 23 (the NHS Commissioning Board: further provision);  
section 24 (financial arrangements for the Board);  
section 25 and Schedule 2 (clinical commissioning groups: establishment etc.);  
section 26 (clinical commissioning groups: general duties etc.);  
section 27 (financial arrangements for clinical commissioning groups);  
section 28 (requirement for primary medical services provider to belong to clinical commissioning group);  
section 29 (other health service functions of local authorities under the 2006 Act);  
section 30 (appointment of directors of public health);  
section 31 (exercise of public health functions of local authorities);  
section 32 (complaints about exercise of public health functions by local authorities);  
sections 33 and 34 (abolition of Strategic Health Authorities and Primary Care Trusts);  
section 35, other than subsection (6), and sections 36 and 37 (functions relating to fluoridation of water), in relation to England only;  
sections 38, 40, 41, 43 and 45 (functions relating to mental health matters);  
sections 46 and 47 (emergency powers);  
section 48 (new special health authorities);  
section 49 (primary care services: directions as to exercise of functions);  
section 50 (charges in respect of certain public health functions);  
section 51 and Schedule 3 (pharmaceutical services expenditure);  
section 52 (Secretary of State's duty to keep health service functions under review);  
section 53 (Secretary of State's annual report);

section 54 (certification of death);  
section 56 and Schedule 7 (abolition of Health Protection Agency);  
section 57 (functions in relation to biological substances);  
section 58 (radiation protection functions);  
section 60 (co-operation with bodies exercising functions in relation to public health);  
section 62 (general duties of Monitor);  
sections 72 and 73 (functions under the Competition Act 1998 and Part 4 of the Enterprise Act 2002);  
section 74(1) to (6) (competition functions: supplementary);  
section 75 (requirements as to procurement, patient choice and competition);  
section 76 (requirements under section 75: investigations, declarations and directions);  
section 77 and Schedule 9 (requirements under sections 75 and 77: undertakings);  
section 80 (co-operation with the Office of Fair Trading);  
section 104(2)(e) (power to require documents and information), and (4)(b) insofar as that subparagraph refers to Chapter 4 of the 2012 Act;  
section 116 (the national tariff) for the purpose only of undertaking consultation under sections 118 and 119 (consultation on proposals for the national tariff);  
section 117(1) to (3) (the national tariff: further provision), only insofar as it relates to the national tariff published by Monitor under section 116 of the 2012 Act, and only insofar as it relates to consultation on a proposal for the national tariff pursuant to sections 118 and 119;  
sections 118 and 119 (consultation on proposals for the national tariff) only insofar as they relate to the national tariff published by Monitor under section 116 of the 2012 Act;  
section 147 (Secretary of State's duty as respects variation in provision of health services);  
section 151 (governors), except subsection (7);  
section 152 (directors);  
section 153 (members);  
section 157 (meetings);  
section 161 (amendment of constitution);  
section 162 (panel for advising governors);  
section 163(1) (financial powers etc.) for the purpose only of the first report of the Secretary of State for the financial year ending 31st March 2014 and subsequent financial years, and 163(3) to (6);  
section 167 (significant transactions);  
section 181 (Healthwatch England);  
sections 182 to 189 (Local Healthwatch organisations);  
sections 190 and 191 (scrutiny functions of local authorities), except section 190(9);  
sections 192 and 193 (joint strategic needs assessments and strategies);  
sections 194 to 199 (Health and Wellbeing Boards);  
section 200 (care trusts);  
sections 202 to 207 (primary care services);  
sections 232 to 249 and Schedules 16 and 17 (the National Institute for Health and Care Excellence);

sections 250 and 251 (health and adult social care services: information);  
sections 252 to 277 and Schedules 18 and 19 (the Health and Social Care Information Centre);  
section 280 and Part 3 of Schedule 20 (the National Information Governance Board for Health and Social Care);  
section 282 (the NHS Institute for Innovation and Improvement);  
sections 284 to 287 (information relating to births and deaths etc.);  
section 288(3) (Monitor: duty to co-operate with Care Quality Commission);  
section 290 (other duties to co-operate);  
sections 292 and 293 (the Care Quality Commission);  
section 295 (arrangements between the Board and Northern Ireland Ministers);  
section 296 (arrangements between the Board and Scottish Ministers etc.);  
sections 300 to 302 and Schedules 22 and 23 (transfer schemes);  
Schedule 4 and section 55(1) (further amendments of the 2006 Act in consequence of provision made in Part 1 of the 2012 Act);  
Schedule 5 (amendments of other enactments in consequence of the provision made in Part 1 of the 2012 Act), except paragraphs 157(b) and (c), 159(b), 163 and 164 of that Schedule and paragraph 154 insofar as it relates to those paragraphs, and section 55(2) insofar as it relates to the paragraphs of Schedule 5 being brought into force;  
Schedule 13, except paragraph 10, and section 150(5) insofar as it relates to the provisions of Schedule 13 being brought into force;  
In Schedule 21 (amendments relating to relationships between the health services)—

- (a) paragraph 2(2), (3)(d), (g), (i) and (j) and (4), 3 and 4(a) and (c), and paragraph 1 insofar as it relates to those paragraphs,
- (b) paragraphs 7 and 11, and paragraph 5 insofar as it relates to those paragraphs,
- (c) paragraph 13 to 17, 22 to 32, 34 to 37, 38, and 39 to 42, and paragraph 12 insofar as it relates to those paragraphs,
- (d) paragraph 43(2)(a)(i) and (ii) and (f), and paragraph 43(1) insofar as it relates to those paragraphs,

and section 297 insofar as it relates to those paragraphs.

### **Transitory modification in respect of the commencement of paragraph 4(c) of Schedule 21**

**3.** Notwithstanding the commencement of paragraph 4(c) of Schedule 21 to the 2012 Act, until the commencement of paragraph 4(b) of that Schedule, section 17D of the National Health Service (Scotland) Act 1978 (persons with whom agreements under section 17C may be made)<sup>(5)</sup> has effect as if in subsection (2), in paragraph (b) of the definition of “NHS employee”, the words from “and in this paragraph” to the end continue to have effect in so far as they relate to NHS trusts and NHS foundation trusts.

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(5) 1978 c. 29; section 17D was inserted by section 21(2) of the National Health Service (Primary Care) Act 1997 (c. 46) and the relevant amendment to the definition of “NHS employee” was made by section 2(3)(d)(iv) of the Primary Medical Services (Scotland) Act 2004 (asp 1).

### **Saving and transitional provision in respect of Schedule 15 to the 2006 Act (accounts and audit)**

4.—(1) Subject to the modification in paragraph (2), paragraphs 3, 4, 5(3)(b) and (4) and 8 of Schedule 15 to the 2006 Act, as they have effect prior to any amendment made by paragraph 125(1) to (3) of Schedule 4 to the 2012 Act, continue to apply in relation to the accounts of each Primary Care Trust and each Strategic Health Authority for the financial year ending 31st March 2013.

(2) On and after 1st April 2013, any duty in relation to accounts and audit of those accounts that is conferred on a Primary Care Trust or a Strategic Health Authority by virtue of paragraphs 3, 4, 5(3)(b) and (4) and 8 of Schedule 15 to the 2006 Act is to be conferred instead on the Secretary of State.

(3) Notwithstanding the commencement of paragraph 125(1) to (3) of Schedule 4 to the 2012 Act, on and after 1st April 2013 the provisions of the Audit Commission Act 1998<sup>(6)</sup> continue to apply in relation to the accounts of Primary Care Trusts and Strategic Health Authorities for the financial year ending 31st March 2013.

### **Transitional provision in relation to the winding up of the affairs of Primary Care Trusts and Strategic Health Authorities**

5. Subject to the provision made in relation to accounts in article 4, the Secretary of State may do anything which appears necessary or appropriate for the winding up of the affairs of any Primary Care Trust or Strategic Health Authority.

### **Saving and transitional provision in relation to the Health Service Commissioner, the Care Quality Commission and the abolition of Primary Care Trusts and Strategic Health Authorities**

6.—(1) A complaint made under the Health Service Commissioners Act 1993<sup>(7)</sup> to the Health Service Commissioner for England in relation to a Primary Care Trust or a Strategic Health Authority, whether made before, on or after 1st April 2013, may be investigated by the Commissioner notwithstanding the abolition of the Trust or Authority.

(2) A review or investigation in relation to a Primary Care Trust or a Strategic Health Authority, whether begun before, on or after 1st April 2013, may be conducted by the Care Quality Commission, notwithstanding the abolition of the Trust or Authority, and the Commission must send a copy of the report of the result of the investigation to the Secretary of State.

### **Saving and transitional provision concerning continuity in relation to the affairs of Primary Care Trusts and Strategic Health Authorities**

7.—(1) Anything done before 1st April 2013 by or in relation to a Primary Care Trust or a Strategic Health Authority in connection with the exercise of a function which from 1st April 2013 falls to be performed by a relevant new body, shall be treated on and after that date as if done by or in relation to the relevant new body.

(2) Any instrument made by or in relation to a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body continues in force in relation to the relevant new body until it is varied or revoked by the relevant new body.

(3) Any form supplied by a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body, continues to be

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(6) 1998 c.18; the Audit Commission Act 1998 applies to the accounts of “health service bodies” meaning NHS bodies within the meaning of Schedule 15 to the National Health Service Act 2006 (c. 41), other than a Special Health Authority or NHS Direct National Health Service Trust.

(7) 1993 c. 46.

a valid form until it is cancelled or varied by the relevant new body, as if any reference in that form to the Trust or Authority in question were a reference to the relevant new body.

(4) So far as is necessary or appropriate, a reference in an agreement or other instrument to a Primary Care Trust or a Strategic Health Authority which relates to a function which from 1st April 2013 falls to be performed by a relevant new body, shall be treated on or after that date as a reference to the relevant new body.

(5) In this article, “relevant new body” means—

- (a) in relation to a function which falls to be performed by the National Health Service Commissioning Board<sup>(8)</sup>, that Board;
- (b) in relation to a function which falls to be performed by a clinical commissioning group, that clinical commissioning group;
- (c) in relation to a function which falls to be performed by a local authority in exercise of its public health functions (within the meaning of section 1H(5)(b) of the 2012 Act), that local authority;
- (d) in relation to a function which falls to be performed by the Secretary of State, the Secretary of State.

(6) In this article, a reference to a function of a Primary Care Trust or Strategic Health Authority which from 1st April 2013 falls to be performed by a relevant new body includes a reference to the provision of, or the arrangement of the provision of, a service by a Trust or Authority which from 1st April 2013 is provided, or its provision arranged, by a relevant new body.

(7) Paragraphs (1) to (4) apply subject to any provision for continuity in—

- (a) a transfer scheme under section 300 of the 2012 Act (transfer schemes);
- (b) an order made under section 303 of the 2012 Act (power to make consequential provision);  
or
- (c) any other enactment.

### **Saving and transitional provision in respect of the abolition of various bodies by provisions of the 2012 Act**

**8.—**(1) It is the duty of each relevant new body to take such action as may be necessary for the winding up of the affairs of the old body in respect of which it is the relevant new body, including the preparation of any outstanding accounts or annual reports and the performance of all statutory duties relating to those accounts or reports.

(2) Notwithstanding the repeal of the Health Protection Agency Act 2004<sup>(9)</sup> by section 56(2) of the 2012 Act, paragraphs 22 to 27 of Schedule 1 to that Act continue to apply in relation to the accounts and annual reports of the Health Protection Agency for the financial year ending 31st March 2013, with the modification that any duty of the Agency under those paragraphs is conferred instead on the Secretary of State.

(3) A complaint made under the Health Service Commissioners Act 1993<sup>(10)</sup> to the Health Service Commissioner for England in relation to an old body (other than the Health Protection Agency), whether made before, on or after 1st April 2013, may be investigated by the Commissioner notwithstanding the abolition of the body, and the Commissioner must send a copy of the report of the result of the investigation to the relevant new body.

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<sup>(8)</sup> The National Health Service Commissioning Board is established by section 1H of the National Health Service Act 2006 (c. 41).

<sup>(9)</sup> 2004 c. 17.

<sup>(10)</sup> 1993 c. 46.

(4) Anything done before 1st April 2013 by or in relation to an old body is to be treated on and after that date as if done by or in relation to the relevant new body.

(5) Any instrument made by or in relation to an old body continues in force until it is varied or revoked by the relevant new body.

(6) Any form supplied by an old body continues to be a valid form until it is cancelled or varied by the relevant new body, as if any reference in that form to the old body were a reference to the relevant new body.

(7) So far as is necessary or appropriate, a reference in an agreement or other instrument to an old body is to be treated on or after 1st April 2013 as a reference to the relevant new body.

(8) Paragraphs (4) to (7) apply subject to—

- (a) in the case of the National Institute for Health and Clinical Excellence, section 249 of the 2012 Act (consequential and transitional provision);
- (b) in the case of the Health and Social Care Information Centre, article 9; and
- (c) in all cases, any provision for continuity in—
  - (i) a transfer scheme under section 300 of the 2012 Act,
  - (ii) an order made under section 303 of that Act, or
  - (iii) any other enactment.

(9) In this article—

- (a) “old body” means—
  - (i) the Health Protection Agency,
  - (ii) the Special Health Authority known as the National Institute for Health and Clinical Excellence,
  - (iii) the Special Health Authority known as the Health and Social Care Information Centre, or
  - (iv) the NHS Institute for Innovation and Improvement; and
- (b) “relevant new body” means—
  - (i) in the case of the Health Protection Agency, the Secretary of State,
  - (ii) in the case of the Special Health Authority known as the National Institute for Health and Clinical Excellence, the National Institute for Health and Care Excellence established by section 232 of the 2012 Act;
  - (iii) in the case of the Special Health Authority known as the Health and Social Care Information Centre, the Health and Social Care Information Centre established by section 252 of the 2012 Act;
  - (iv) in the case of the NHS Institute for Innovation and Improvement, the National Health Service Commissioning Board.

### **Saving and transitional provision in relation to the commencement of provisions relating to the Health and Social Care Information Centre**

9.—(1) Where, before 1st April 2013, the Health and Social Care Information Centre, in connection with the effective provision of services under the 2006 Act, has been directed by the Secretary of State to establish, develop, operate, manage or maintain a system—

- (a) to identify information that is required and by whom it is required; or
- (b) for the collection and dissemination of the information referred to in sub-paragraph (a),

on or after that date, the Information Centre is to operate the system as if the Secretary of State or (as the case may be) the National Health Service Commissioning Board had directed the Information Centre to do so in accordance with section 254 of the 2012 Act (powers to direct Information Centre to establish information systems).

(2) A direction under the 2005 Directions to provide and maintain the NHS Central Register is to be treated as a direction to which paragraph (1) applies.

(3) Paragraph (1) does not apply in relation to a direction under the 2005 Directions to establish, operate, manage or disseminate information in relation to a database of quality indicators.

(4) Where, before 1st April 2013, the Health and Social Care Information Centre, in connection with the effective provision of services under the 2006 Act, has been requested by the Secretary of State—

(a) to provide advice and guidance as to standards to be observed in relation to the collection, analysis, use and management of information necessary for the provision of such services; or

(b) to provide advice to the Secretary of State on any other matter,

but has not provided the advice or guidance, paragraph (5) applies.

(5) In the circumstances described in paragraph (4), on or after 1st April 2013, the Information Centre must provide the advice and guidance as if the request had been made in accordance with section 265(1)(b) of the 2012 Act (advice or guidance).

(6) Any system established, developed, operated or managed or any information collected or disseminated by the Health and Social Care Information Centre pursuant to a direction of the Secretary of State before 1st April 2013 is to be treated on and after the relevant date as if it were a system that the Secretary of State or the Board had directed the Information Centre to establish or operate under section 254 of the 2012 Act.

(7) The NHS Central Register is to be treated as a system to which paragraph (6) applies.

(8) Paragraph (6) does not apply to a database of quality indicators established, operated, managed or disseminated by the Health and Social Care Information Centre pursuant to a direction of the Secretary of State under the 2005 Directions.

(9) Any advice or guidance given as to standards to be observed in relation to the collection, analysis, use and management of information necessary for the provision of services under the 2006 Act by the Health and Social Care Information Centre before 1st April 2013 is to be treated on and after that date as advice or guidance given by the Information Centre pursuant to section 265(1)(a) of the Act to the persons mentioned in that paragraph.

(10) Any advice requested or notified by the Secretary of State on any matter other than as described in paragraph (9), including in relation to practitioners' remuneration, and given to the Secretary of State or an advisory committee of the Department of Health by the Health and Social Care Information Centre before 1st April 2013 is to be treated on and after that date as advice or guidance given by the Information Centre pursuant to section 265(1)(b) of the Act to the persons specified in sub-paragraph (b).

(11) Anything done by the Health and Social Care Information Centre in relation to the preparation of a code in respect of the practice to be followed in relation to the collection, analysis, publication and other dissemination of confidential information concerning or connected with the provision of health services before 1st April 2013 is to be treated on and after that date as having been done by the Information Centre in pursuance of its functions under section 263 of the Act (code of practice on confidential information).

(12) In this article—



- (a) “the 2005 Directions” means the Health and Social Care Information Centre Directions 2005<sup>(11)</sup>;
- (b) “the Health and Social Care Information Centre” means the Special Health Authority known as the Health and Social Care Information Centre.

**Saving and transitional provisions in respect of the amendments made by Schedule 5 to the 2012 Act**

**10.** The Schedule (which makes saving and transitional provision in respect of Schedule 5 to the 2012 Act) has effect.

Signed by authority of the Secretary of State for Health.

28th January 2013

*Anna Soubry*  
Parliamentary Under-Secretary of State,  
Department of Health

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(11) The Health and Social Care Information Centre Directions 2005 (“the 2005 Directions”) were signed on 24th March 2005: the 2005 Directions have been amended by the Health and Social Care Information Centre (Amendment) Directions 2008 (“the 2008 Directions”) which were signed on 31st March 2008. The 2005 Directions and the 2008 Directions can be obtained by applying in writing to James Doughty, Department of Health, Zone 5B, Skipton House, London SE1 6LH.

## SCHEDULE

Article 10

## Saving and transitional provision in respect of Schedule 5 to the 2012 Act

1. The following provisions have effect from the commencement of the provisions of Schedule 5 to the 2012 Act (amendments of enactments other than the National Health Service Act 2006 in consequence of provision made by Part 1 of the 2012 Act) by article 2(2) of this Order.

**Provision relating to paragraph 8 of Schedule 5**

2. Action taken before 1st April 2013 by a Primary Care Trust or a Strategic Health Authority on behalf of the Secretary of State or in the exercise of functions of the Secretary of State continue to be matters not subject to investigation by the Parliamentary Commissioner under the Parliamentary Commissioners Act 1967(12).

**Provision relating to paragraph 30 of Schedule 5**

3. Section 139 of the Mental Health Act 1983 (protection for acts done in pursuance of this Act)(13) continues to apply to proceedings brought against a Primary Care Trust or Strategic Health Authority before that date, if those proceedings are continued after 31st March 2013.

**Provision relating to paragraphs 49 and 55 of Schedule 5**

4.—(1) For the purposes of section 24(1B) of the Children Act 1989(14), any period before 1st April 2013 during which a child aged sixteen or over was accommodated by a Primary Care Trust shall count towards the calculation of the consecutive period during which that child was accommodated as referred to in section 24(2)(d) of the Act (meaning of “looked after, accommodated or fostered”).

(2) If for any consecutive period of three months starting before 1st April 2013 and ending on or after that date, a child is accommodated by a Primary Care Trust and then by a body pursuant to arrangements referred to in section 85(2ZA)(b) of the Children Act 1989 (arrangements by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group)(15), section 85(1), (2) and (2ZA) of that Act shall apply as if the child has been accommodated pursuant to those arrangements for a consecutive period of three months.

**Provision relating to paragraph 63 of Schedule 5**

5.—(1) This paragraph applies where a health record (within the meaning of the Access to Health Records Act 1990(16) (“the 1990 Act”)) was made before 1st April 2013 by a health professional (within the meaning of that Act) performing primary medical services—

- (a) under a general medical services contract with a Primary Care Trust; or
- (b) in accordance with arrangements made under section 92 or 107 of the 2006 Act with a Primary Care Trust or Strategic Health Authority.

(2) Where paragraph (1) applies, and on 1st April 2013 the rights and liabilities of the Trust or Authority under those arrangements have been transferred to the National Health Service Commissioning Board, the person or body who entered that contract or who made those arrangements with the Trust or Authority (or in the case where more than one person entered that

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(12) 1967 c. 13.

(13) 1983 c. 20; relevant amendments to section 139 were made by S.I. 2000/90 and 2002/2469.

(14) 1989 c. 41.

(15) Section 85(2ZA) is inserted by paragraph 55 of Schedule 5 to the 2012 Act.

(16) 1990 c. 23.

contract or made those arrangements, any such person) continues to be the holder of the record for the purposes of the 1990 Act.

### **Provisions relating to paragraph 184 of Schedule 5**

6.—(1) Section 149 of the Charities Act 2011 (audit or examination of English NHS charity accounts)(17) continues to apply in respect of the accounts of a relevant charitable trust for the financial year ending on 31st March 2013 or any previous financial year.

(2) In this paragraph, a “relevant charitable trust” means a charitable trust of which the trustees were, on 31st March 2013, a Primary Care Trust, the trustees for such a Trust appointed in pursuance of paragraph 12 of Schedule 3 to the 2006 Act or a Strategic Health Authority.

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## **EXPLANATORY NOTE**

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

This Order brings into force provisions of the Health and Social Care Act 2012 (c. 7) (“the 2012 Act”). It is the fourth such Order to be made under the Act.

Article 2(2) brings into force the following provisions of the 2012 Act on 1st April 2013—

- (a) the remainder of section 1, sections 2 to 7, and the remainder of sections 9 and 10 and Schedule 1 which amend the National Health Service Act 2006 (c. 42) (“the 2006 Act”) in relation to the functions and duties of the Secretary of State, the NHS Commissioning Board (“the Board”) and clinical commissioning groups in respect of the health service in England;
- (b) sections 11 to 14, 16 to 19 and the remainder of section 22 which amend the 2006 Act in respect of arrangements for the provision of health services, including the Secretary of State’s duties in relation to public health;
- (c) the remainder of sections 23 and 24 which amend the 2006 Act to make further provision about the Board;
- (d) the remainder of sections 25 to 27 and Schedule 2, and section 28, which amend the 2006 Act to make further provision about clinical commissioning groups;
- (e) sections 29 to 32 which amend the 2006 Act to make provision about the role of local authorities in relation to the health service in England;
- (f) sections 33 and 34 which provide for the abolition of Primary Care Trusts and Strategic Health Authorities;
- (g) sections 35 to 37 (partially) which amend the Water Industry Act 1991 (c. 56) in relation to the fluoridation of water supplies: these provisions are brought into force in relation to England only;
- (h) sections 38, 41, 43 and 45, and the remainder of section 40, which make amendments to the Mental Health Act 1983 (c. 20) in relation to functions relating to mental health matters;
- (i) sections 46 and 47 (emergency powers);

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(17) 2011 c. 25.

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- (j) sections 48 to 54 (miscellaneous provisions in relation to the health service);
- (k) section 56 and Schedule 7 (abolition of the Health Protection Agency);
- (l) sections 57, 58 and 60 (functions in relation to biological substances, radiation protection and co-operation with bodies exercising functions in relation to public health);
- (m) section 62 (partially) which relates to the general duties of Monitor;
- (n) sections 72, 73, 74 (partially), 75 to 77 and 80 which relate to the competition functions of Monitor;
- (o) section 104 (partially) which relates to Monitor's power to require documents and information;
- (p) sections 116 to 119 (partially) which relate to Monitor's function in relation to pricing in the health service;
- (q) the remainder of section 147 which relates to Secretary of State's duty as respect variation in provision of health services;
- (r) sections 151 (partially), 152, 153, 157, 161, 162, 163 (partially) and 167 which relate to NHS foundation trusts;
- (s) the remainder of section 181 (Healthwatch England);
- (t) sections 182 to 189 which relate to the establishment of, and functions of, Local Healthwatch organisations;
- (u) section 190 (partially) and section 191 which relate to the scrutiny functions of local authorities;
- (v) sections 192 and 193 which amend the Local Government and Public Involvement in Health Act 2007 (c. 28) in relation to joint strategic needs assessments and strategies;
- (w) sections 194 to 199 which relate to Health and Wellbeing Boards;
- (x) section 200 which makes provision about care trusts;
- (y) sections 202 to 207 which amend the 2006 Act in relation to primary care services;
- (z) sections 232 to 249 and Schedules 16 and 17 which primarily make provision for the establishment of the National Institute for Health and Care Excellence and its functions;
- (aa) sections 250 and 251 which make provision for information standards in relation to health and social care services;
- (bb) sections 252 to 277 and Schedules 18 and 19 which primarily make provision for the establishment of the Health and Social Care Information Centre and its functions;
- (cc) section 280 and Part 3 of Schedule 20 which make provision for the abolition of the National Information Governance Board for Health and Social Care, and amend the Health and Social Care Act 2008 (c. 14) in relation to the role of the Care Quality Commission in relation to certain types of information;
- (dd) section 282 which makes provision for the abolition of the NHS Institute for Innovation and Improvement;
- (ee) sections 284 to 287 which make provision in relation to information, including information relating to births and deaths;
- (ff) sections 288 (partially) and 290 which make provision in relation to duties to co-operate;
- (gg) sections 292 and 293 which amend the Health and Social Care Act 2008 to make provision in relation to the Care Quality Commission;
- (hh) sections 295 and 296 which primarily relate to arrangements with devolved authorities;

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- (ii) the remainder of sections 300 to 302 and Schedules 22 and 23 which make provision for transfer schemes;
- (jj) Schedules 4 and 5 (partially), and section 55 (partially) insofar as it relates to those Schedules, which make provision for consequential amendments to the 2006 Act and other primary legislation consequential upon the provisions in Part 1 of the 2012 Act;
- (kk) Schedule 13 and section 150(5) (partially) which makes minor and consequential amendments as a consequence of provisions in Part 3 of the 2012 Act; and
- (ll) Schedule 21 (partially) and section 297 (partially) which makes amendments to legislation that applies in Wales, Scotland and Northern Ireland that are relevant to the relationships between the health services of England, Wales, Scotland and Northern Ireland.

Articles 3 to 10 of, and the Schedule to, the Order make saving and transitional provision in consequence of the provisions being commenced in the Order: in particular in relation to the winding up of, and continuity in relation to, the affairs of bodies being abolished under the provisions of the 2012 Act being commenced by this Order, in particular Primary Care Trusts and Strategic Health Authorities.

A full impact assessment has not been produced for this instrument as the Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act, including provisions that are commenced by the Order, and a copy is available at [www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH\\_123583](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsLegislation/DH_123583).

#### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I.No.</b>
Section 1 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 8	1 <sup>st</sup> June 2012	<a href="#">S.I. 2012/1319</a>
Section 9 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 10 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 13 (partially)	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 14 (partially)	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 15	1 <sup>st</sup> February 2012	<a href="#">S.I. 2012/2657</a>
Section 17 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 20	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 21	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 22 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>

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<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I.No.</b>
Section 23 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 24 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 25 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 26 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 27 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 39	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 40 (partially)	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 42	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 44	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 55 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 59	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 61 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 61 (remainder)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 62 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 63	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 64 (partially)	1 <sup>st</sup> June 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 64 (remainder)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 66 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 67 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 68 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 70	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 71	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 78	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Section 79	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>

<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I.No.</b>
Section 94 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 95 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 96 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 97 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 98 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 101 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 103 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 104 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 108 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 144 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 147 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 148 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 149	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 150 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 151 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 154	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 156 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 158	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 160	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 164 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 165	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 166	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 173 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Sections 174 to 178	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Section 181 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Section 201	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Section 207 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Sections 209 to 211	1 <sup>st</sup> August 2012	<a href="#">S.I. 2012/1319</a>

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<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I.No.</b>
Section 212 (partially)	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 212 (remainder)	1 <sup>st</sup> August 2012	S.I. 2012/1319
Sections 213 to 218	1 <sup>st</sup> August 2012	S.I. 2012/1319
Sections 220 and 221	1 <sup>st</sup> August 2012	S.I. 2012/1319
Section 222	1 <sup>st</sup> December 2012	S.I. 2012/2657
Section 223 (partially)	1 <sup>st</sup> August 2012	S.I. 2012/1319
Section 223 (partially)	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 226 (partially)	1 <sup>st</sup> December 2012	S.I. 2012/2657
Section 227	1 <sup>st</sup> July 2012	S.I. 2012/1319
Sections 228 and 229	1 <sup>st</sup> December 2012	S.I. 2012/2657
Section 230 (partially)	1 <sup>st</sup> August 2012	S.I. 2012/1319
Section 230 (remainder)	1 <sup>st</sup> December 2012	S.I. 2012/2657
Section 231	1 <sup>st</sup> July 2012	S.I. 2012/1319
Section 278	1 <sup>st</sup> July 2012	S.I. 2012/1319
Section 279	31 <sup>st</sup> October 2012	S.I. 2012/1831
Section 281	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 283	1 <sup>st</sup> July 2012	S.I. 2012/1319
Section 288 (partially)	1 <sup>st</sup> July 2012	S.I. 2012/1319
Section 289 (partially)	1 <sup>st</sup> July 2012	S.I. 2012/1319
Section 290 (partially)	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 291	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 294	1 <sup>st</sup> October 2012	S.I. 2012/1831
Sections 295 and 296 (partially)	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 297 (partially)	1 <sup>st</sup> February 2013	S.I. 2012/2657
Section 298	1 <sup>st</sup> October 2012	S.I. 2012/1831
Section 299	1 <sup>st</sup> June 2012	S.I. 2012/1319
Sections 300 to 302 (partially)	1 <sup>st</sup> July 2012	S.I. 2012/1319
	1 <sup>st</sup> October 2012	S.I. 2012/1831
Schedule 1 (partially)	1 <sup>st</sup> October 2012	S.I. 2012/1831



<b>Provision</b>	<b>Date of Commencement</b>	<b>S.I.No.</b>
Schedule 2 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Schedule 4 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Schedule 5 (partially)	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Schedule 6 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Schedule 8	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Schedule 10	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Schedule 13 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Schedule 13 (partially)	1 <sup>st</sup> November 2012	<a href="#">S.I. 2012/2657</a>
Schedule 15 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> August 2012	<a href="#">S.I. 2012/1319</a>
Schedule 15 (remainder)	1 <sup>st</sup> December 2012	<a href="#">S.I. 2012/2657</a>
Schedule 20, Part 1	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
Schedule 20, Part 2	31 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>
Schedule 21 (partially)	1 <sup>st</sup> February 2013	<a href="#">S.I. 2012/2657</a>
Schedules 22 and 23 (partially)	1 <sup>st</sup> July 2012	<a href="#">S.I. 2012/1319</a>
	1 <sup>st</sup> October 2012	<a href="#">S.I. 2012/1831</a>