



Health Act 2009

2009 CHAPTER 21

PART 4

GENERAL

40 Commencement

- (1) Subject to the following provisions, this Act comes into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (2) Subject to subsections (5) to (7), the following come into force on such day as the Welsh Ministers may by order made by statutory instrument appoint—
 - (a) section 19 and Schedule 3, so far as they relate to amendments of the National Health Service (Wales) Act 2006 (c. 42);
 - (b) sections 20 to 24 and Schedule 4, so far as they relate to Wales;
 - (c) sections 30 to 32.
- (3) Subject to subsections (5) to (7), sections 20 to 24 and Schedule 4, so far as they relate to Northern Ireland, come into force on such day as the Department of Health, Social Services and Public Safety in Northern Ireland may appoint by order made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (4) Different days may be appointed under subsections (1) to (3) for different purposes or different areas.
- (5) The following come into force on the day on which this Act is passed—
 - (a) paragraph 9(2) and (4) of Schedule 4;
 - (b) a repeal or revocation made by Schedule 6 connected to the repeal made by paragraph 9(2) of Schedule 4;
 - (c) this section and sections 37, 39 and 41.
- (6) The following come into force, for the purposes of making regulations, on the day on which this Act is passed—
 - (a) sections 8, 9(5) and 10;

Changes to legislation: Health Act 2009, Section 40 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) sections 20 to 23;
 - (c) paragraphs 11 and 12 of Schedule 4.
- (7) The following come into force at the end of the period of 2 months beginning with the day on which this Act is passed—
- (a) section 34;
 - (b) paragraphs 1, 4(3), (4) and (6), 5, 6(3), 7(2) and 9(3) of Schedule 4;
 - (c) paragraph 13 of that Schedule for the purposes of sections 8, 9 and 11 of the Tobacco Advertising and Promotion Act 2002 (c. 36).
- (8) Where any particular provision or provisions of a Schedule come into force in accordance with subsection (5), (6) or (7), the section introducing the Schedule also comes into force in accordance with that subsection so far as relating to the particular provision or provisions.
- (9) The Secretary of State must not make an order under subsection (1) which relates to amendments to the Medicines Act 1968 (c. 67) made by Schedule 3 unless the Secretary of State first consults the Department of Health, Social Services and Public Safety in Northern Ireland.
- (10) The Secretary of State must not make an order under subsection (1) which relates to amendments to the Health Protection Agency Act 2004 (c. 17) made by Schedule 3 unless the Secretary of State first consults—
- (a) the Welsh Ministers,
 - (b) the Scottish Ministers, and
 - (c) the Department of Health, Social Services and Public Safety in Northern Ireland.
- (11) The Secretary of State must not make an order under subsection (1) which relates to amendments made to Human Tissue Act 2004 (c. 30) by Schedule 3 unless the Secretary of State first consults—
- (a) the Welsh Ministers, and
 - (b) the Department of Health, Social Services and Public Safety in Northern Ireland.
- (12) The Secretary of State must not make an order under subsection (1) which relates to amendments made by Schedule 3 to Schedule 6 or 19 to the National Health Service Act 2006 (c. 41) unless the Secretary of State first consults the Welsh Ministers.
- (13) The Welsh Ministers must not make an order under subsection (2)(a) unless they first consult the Secretary of State.

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 2(6)(ca) inserted by [2022 c. 31 Sch. 3 para. 57\(b\)](#)
- s. 2(6)(ea) inserted by [2022 c. 31 Sch. 3 para. 57\(c\)](#)

Commencement Orders yet to be applied to the Health Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2011/1255 art. 2](#) amendment to earlier commencing [SI 2010/1068 art. 2](#)