

**2003 No. 833 (C. 45)**

**HEALTH CARE AND ASSOCIATED PROFESSIONS  
NATIONAL HEALTH SERVICE, ENGLAND AND  
WALES**

**The National Health Service Reform and Health Care  
Professions Act 2002 (Commencement No. 4) Order 2003**

*Made* - - - - *20th March 2003*

The Secretary of State for Health, in exercise of the powers conferred upon him by sections 38(5) and (7) and 42(3) of the National Health Service Reform and Health Care Professions Act 2002(a) and all other powers enabling him in that behalf hereby makes the following Order:

**Citation, interpretation and extent**

**1.**—(1) This Order may be cited as the National Health Service Reform and Health Care Professions Act 2002 (Commencement No. 4) Order 2003.

(2) In this Order “the Act” means the National Health Service Reform and Health Care Professions Act 2002.

(3) Article 2 extends to England and Wales.

(4) Articles 3 and 4 extend to the whole of the United Kingdom.

**Appointed day for provision relating to the National Health Service**

**2.** 1st April 2003 is the day appointed for the coming into force of paragraph 16(6) of Schedule 2 to the Act (reallocation of functions of Health Authorities to Primary Care Trusts) and, in so far as it relates to that paragraph, paragraph 1 of that Schedule.

**Appointed day for provisions relating to appeals**

**3.** Subject to article 4, 1st April 2003 is the day appointed for the coming into force of—

- (a) sections 30 to 34 of the Act (appeals);
- (b) paragraphs 13 to 17 of Schedule 8 to the Act (minor and consequential amendments) and, in so far as it relates to those paragraphs, section 37(1) of the Act; and
- (c) Part 2 of Schedule 9 to the Act (repeals) and, in so far as it relates to that Part, section 37(2) of the Act.

**Saving provisions**

**4.**—(1) The amendments made by the provisions specified in article 3 shall not have effect in relation to cases where—

- (a) a person has made an appeal pursuant to the provisions specified in paragraph (2) within the appeal period, but where that appeal has not been finally determined before 1st April 2003; or

---

(a) 2002 c.17. See section 42(4) for the definition of “appropriate authority”.

- (b) a person's appeal period has not ended before 1st April 2003 (in relation to a decision notified to that person before that date) and where there is a right of appeal in relation to that decision pursuant to the provisions specified in paragraph (2).
- (2) The provisions specified for the purposes of paragraph (1) are those where there is an appeal to—
- (a) Her Majesty in Council or the Privy Council (as the case may be), pursuant to—
    - (i) section 40 of the Medical Act 1983**(a)**,
    - (ii) section 29 or section 44 of the Dentists Act 1984**(b)**,
    - (iii) section 23 of the Opticians Act 1989**(c)**,
    - (iv) section 10 or section 31 of the Osteopaths Act 1993**(d)**, or
    - (v) section 10 or section 31 of the Chiropractors Act 1994**(e)**; or
  - (b) the Court of Session in Scotland, the High Court of Justice in Northern Ireland or the High Court of Justice in England and Wales (as the case may be), pursuant to—
    - (i) section 29 of the Osteopaths Act 1993, or
    - (ii) section 29 of the Chiropractors Act 1994.
- (3) In paragraph (1), “appeal period” means the period within which a person is permitted to appeal against a decision to—
- (a) Her Majesty in Council or the Privy Council (as the case may be), pursuant to the provisions specified in paragraph (2)(a); or
  - (b) the Court of Session in Scotland, the High Court of Justice in Northern Ireland or the High Court of Justice in England and Wales (as the case may be), pursuant to the provisions specified in paragraph (2)(b).

Signed by authority of the Secretary of State for Health

20th March 2003

*John Hutton*  
Minister of State,  
Department of Health

---

(a) 1983 c.54; section 40 was amended by the Medical (Professional Performance) Act 1995 (c.51), Schedule, paragraph 8 and S.I. 2000/1803, articles 2 and 8.  
(b) 1984 c.24; section 29 was amended by S.I. 2001/3926, articles 2 and 10.  
(c) 1989 c.44.  
(d) 1993 c.21; section 31 was amended by the Chiropractors Act 1994 (c.17), Schedule 2, paragraph 8.  
(e) 1994 c.17.

## EXPLANATORY NOTE

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

This Order is the fourth commencement order made by the Secretary of State under the National Health Service Reform and Health Care Professions Act 2002 (“the Act”). One Order has also been made by the National Assembly for Wales.

Article 2 brings into force on 1st April 2003 an amendment in Schedule 2 to the Act which inserts references to Primary Care Trusts in section 42(4A) of the 1977 Act.

Article 3 brings into force on 1st April 2003 sections 30 to 34 of the Act (and associated amendments and repeals) which make amendments relating to rights of appeal in fitness to practice cases and against certain registration decisions. Article 4 makes saving provisions in relation to cases where an appeal has been made but not finally determined before 1st April 2003 or where the appeal period has not ended before 1st April 2003.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	2nd September 2002	2002/2202
(remainder)	1st October 2002	2002/2478
Section 2 (partially)	2nd September 2002	2002/2202
(remainder)	1st October 2002	2002/2478
Section 3(1) (partially)	2nd September 2002	2002/2202
(partially)	1st October 2002	2002/2478
Section 3(2)	2nd September 2002	2002/2202
Section 3(3) (partially)	2nd September 2002	2002/2202
(remainder)	1st October 2002	2002/2478
Section 3(4)	1st October 2002	2002/2478
Section 3(5)(a) and (b)	2nd September 2002	2002/2202
Sections 4 and 5	1st October 2002	2002/2478
Section 6	10th October 2002	2002/2532
Sections 7 and 8	1st October 2002	2002/2478
Section 9	10th October 2002	2002/2532
Section 10 as to England	1st October 2002	2002/2478
as to Wales	10th October 2002	2002/2532
Section 20 as to England	1st January 2003	2002/3190
Section 21 as to England	1st January 2003	2002/3190
Section 23 as to Wales	10th October 2002	2002/2532
Section 24	10th October 2002	2002/2532
Section 25 (partially)	27th August 2002	2002/2202
Section 25 (partially)	1st December 2002	2002/2202
Section 25 (remainder)*	1st April 2003	2002/2202
Section 26*	1st April 2003	2002/2202
Section 27*	1st April 2003	2002/2202
Section 29*	1st April 2003	2002/2202
Section 35	1st October 2002	2002/2478
Schedule 1, paragraphs 1 (partially), 3, 4, 6, 7 and 19	2nd September 2002	2002/2202
Schedule 1 (remainder)	1st October 2002	2002/2478
Schedule 2, paragraphs 31 and 32	2nd September 2002	2002/2202
Schedule 2, remainder apart from paragraphs 16(6) and 17(4) and (5) and paragraph 1 in so far as it relates to those paragraphs	1st October 2002	2002/2478
Schedule 3	1st October 2002	2002/2478
Schedule 4	10th October 2002	2002/2532

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 5	10th October 2002	2002/2532
Schedule 6 as to England	1st January 2003	2002/3190
Schedule 7, paragraphs 4 to 6, 22 and 23	27th August 2002	2002/2202
Schedule 7, paragraphs 1 to 3, 7 to 15, 16(1) and (2), 17 to 21 and 24	1st December 2002	2002/2202
Schedule 7 (remainder)*	1st April 2003	2002/2202
Schedule 8 (and section 37(1) in so far as it relates to the paragraphs specified below)		
Paragraphs 1 (partially), 4 to 7, 12, 18, 20, 21, 22 (partially), 23 to 27, 28 (partially), 29 and 31 to 37	1st October 2002	2002/2478
Paragraphs 1 (partially), 3, 8, 9 and 22 (remainder) as to England	1st October 2002	2002/2478
Paragraphs 1 (partially), 2, 3, 8, 9 and 22 (remainder) as to Wales	10th October 2002	2002/2532
Paragraphs 1 (partially) and 2 as to England	1st January 2003	2002/3190
Schedule 9 (and section 37(2) in so far as it relates to the items commenced in the Orders specified below)		
(partially)	1st October 2002	2002/2478
(partially as to England)	1st October 2002	2002/2478
(partially as to Wales)	10th October 2002	2002/2532
(partially)	1st January 2003	2002/3190

Note: the date for commencement of those provisions marked with an asterisk has not yet been reached.

**£1.75**

© Crown copyright 2003

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

E0444 3/03 ON (MFK)