

2005 No. 2925 (C.125)

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
SOCIAL CARE, ENGLAND

**The Health and Social Care (Community Health and Standards) Act
2003 Commencement (No. 8) Order 2005**

Made

20th October 2005

The Secretary of State for Health, in exercise of the powers conferred upon her by sections 195(1) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003(a), makes the following Order:

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.8) Order 2005.

(2) In this Order—

“the Act” means the Health and Social Care (Community Health and Standards) Act 2003;

“the 1977 Act” means the National Health Service Act 1977(b); and

“the 2000 Act” means the Care Standards Act 2000(c).

(3) Subject to paragraph (4), this Order applies in relation to England only, but subject to that, in so far as article 10 or 11 commences an amendment or repeal of an enactment, it has the same extent as that enactment.

(4) The following provisions apply in relation to England and Wales—

(a) article 2(2) (fees payable under Part 2 of the 2000 Act);

(b) article 9 (which commences section 181 of the Act); and

(c) articles 10 and 11 in so far as they relate to amendments or repeals consequential on the coming into force of section 181 of the Act.

Appointed days for provisions relating to fees

2.—(1) 30th October 2005 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 86; and

(a) 2003 c.43. See section 199(2) for the definition of the appropriate appointing authority in relation to commencement orders.
(b) 1977 c.49.
(c) 2000 c.14.

(b) section 105(2), and section 105(1) in so far as it relates to that subsection, in relation only to a determination by the CHAI(a) of fees payable to it from 1st April 2006 and thereafter.

(2) 1st April 2006 is the appointed day for the coming into force of section 105(3) to (7), and section 105(1) of the Act in so far as its relates to those subsections.

Transitional provisions pending section 105(2) of the Act coming into force in relation to the CSCI

3.—(1) Pending the coming into force of section 105(2) of the Act in relation to the determination of fees by the CSCI(b), the following transitional provisions shall apply.

(2) Sections 12(2), 15(3), 16(3) and 22(7)(i) of the 2000 Act shall be read as if —

(a) “or the CSCI” were omitted; and

(b) after “the Assembly” there were inserted “or the CSCI”.

(3) Section 15(5) of the 2000 Act shall be read as if after “the Assembly” there were inserted “or the CSCI”.

Appointed days for provisions relating to primary dental services

4.—(1) 1st December 2005 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 179(1) in so far as it is not already in force;

(b) for the purposes of making regulations under section 45B of the 1977 Act(c), paragraph 23 of Schedule 11, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph; and

(c) in Schedule 11, paragraph 39 in so far as it inserts the definition of “primary dental services” into section 128(1) of the 1977 Act, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph.

(2) 1st January 2006 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 170 in so far as it relates to the insertion of section 16CA(2) and (4) into the 1977 Act;

(b) for the purposes of making regulations, section 171(1) in so far as it inserts section 16CB(1) into the 1977 Act; and

(c) section 180 in so far as it is not already in force.

(3) 1st April 2006 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 170 in so far as it is not already in force;

(b) section 171(1) in so far as it relates to the insertion of section 16CB(1) and (4) into the 1977 Act, and in so far as it is not already in force; and

(c) section 171(2).

Appointed days for provisions relating to general dental services contracts

5.—(1) 1st December 2005 is the day appointed for the coming into force of the following provisions of the Act—

(a) for the purposes of making regulations or directions, section 172(1) in so far as it relates to insertion of sections 28M, 28O and 28P into the 1977 Act;

(b) section 172(1) in so far as it relates to the insertion of sections 28L and 28N into the 1977 Act;

(c) section 173;

(a) CHAI means the Commission for Healthcare Audit and Inspection. See section 5A of the 2000 Act as amended by section 103 of the Act.

(b) CSCI means the Commission for Social Care Inspection. See section 5B of the 2000 Act as amended by section 103 of the Act.

(c) Section 45B is inserted into the 1977 Act by paragraph 23 of Schedule 11 to the Act.

(d) section 182(1); and

(e) paragraph 39 of Schedule 11 in so far as it is not already in force, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph.

(2) 1st January 2006 is the day appointed for the coming into force of section 172(1) of the Act in so far as it is not already in force.

(3) 1st April 2006 is the day appointed for the coming into force of section 172(2) of the Act.

Appointed days in relation to section 28C arrangements

6.—(1) 1st December 2005 is the day appointed for the coming into force of the following provisions of the Act in so far as they are not already in force—

(a) section 177(1) to (11);

(b) paragraphs 14 and 15 of Schedule 11, and section 184 and paragraph 7 of that Schedule in so far as they relate to those paragraphs; and

(c) the entries in Schedule 14 relating to sections 28C(3)(b) and (7), 28D(2), 28DA, 28E(2)(b) and the words following that paragraph, and 28E(3)(j) and (k) and (5) to (8) of the 1977 Act.

(2) 1st April 2006 is the day appointed for the coming into force of the following provisions of the Act in so far as they are not already in force—

(a) section 177; and

(b) section 178.

Appointed days in relation to charges for dental services

7.—(1) For the purposes of making regulations, 1st November 2005 is the day appointed for the coming into force of section 183 of the Act.

(2) 1st April 2006 is the day appointed for the coming into force of section 183 of the Act in so far as it is not already in force.

Appointed day in relation to representations relating to special guardianship support services

8. 30th December 2005 is the day appointed for the coming into force of section 117(1) of the Act in so far as it is not already in force.

Appointed day in relation to the abolition of the Dental Practice Board

9. 1st April 2006 is the day appointed for the coming into force of section 181 of the Act.

Consequential amendments relating to primary dental services, general dental services, section 28C arrangements and the Dental Practice Board

10.—(1) 1st April 2006 is the day appointed for the coming into force of the provisions of Schedule 11 to the Act referred to in paragraph (2) and section 184 and paragraph 7 of that Schedule in so far as it relates to those provisions, in so far as they are not already in force.

(2) In Schedule 11—

(a) paragraphs 2 and 3;

(b) paragraphs 17 to 23;

(c) paragraph 24(b);

(d) paragraphs 28 to 35;

(e) paragraph 36(b);

(f) paragraph 41;

(g) paragraph 46(1), (2)(b) and (3)(b) and (c);

- (h) paragraph 50;
- (i) paragraphs 53 and 54;
- (j) paragraphs 60, 61 and 64;
- (k) paragraph 66;
- (l) paragraph 67(b); and
- (m) paragraphs 69 and 72.

Repeals relating to primary dental services, general dental services, section 28C arrangements and the Dental Practice Board

11.—(1) 1st April 2006 is the day appointed for the coming into force of the repeals relating to the enactments mentioned in Part 4 of Schedule 14 to the Act which are referred to in paragraph (2) and in so far as they are not already in force, and section 196 of the Act in so far as it relates to those enactments.

(2) The enactments specified for the purposes of paragraph (1) are—

- (a) the Parliamentary Commissioner Act 1967(a);
- (b) the House of Commons Disqualification Act 1975(b);
- (c) the Race Relations Act 1976(c);
- (d) in the 1977 Act, sections 5(1A), 28G, 35 to 37, 43ZA(3)(b), 43D(10)(b), 44(A2), (B1), (3)(c) to (d) and (5), 45(1ZA)(b) and (1A), 49F(1)(c), 49H(1)(a), 56(b), 72(5)(a), 78, 81(b), 82(b), 83(b), 85(1)(e), 98, 99(1)(f), 100(1)(e), 102(1)(a)(iv), 102(2)(c), 103(1)(a), 128(1), Schedule 1 and Schedule 12;
- (e) the National Health Service (Scotland) Act 1978(d);
- (f) the Health Services Act 1980(e);
- (g) the Health and Social Services and Social Security Adjudications Act 1983(f);
- (h) the Dentists Act 1984(g);
- (i) the Health and Social Security Act 1984(h);
- (j) the Income and Corporation Taxes Act 1988(i);
- (k) the Health and Medicines Act 1988(j);
- (l) the National Health Service and Community Care Act 1990(k);
- (m) the Health Authorities Act 1995(l);
- (n) the Employment Rights Act 1996(m);
- (o) in the National Health Service (Primary Care) Act 1997(n), Part 1, sections 24(1), 40(1) and (3) and Schedule 2, paragraphs 12, 16 to 19, 24, 25 and 72;
- (p) the Health Act 1999(o);
- (q) the National Assembly for Wales (Transfer of Functions) Order 1999(p);

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- (a) 1967 c.13.
 - (b) 1975 c.24.
 - (c) 1976 c.74.
 - (d) 1978 c.29.
 - (e) 1980 c.53.
 - (f) 1983 c.41.
 - (g) 1984 c.24.
 - (h) 1984 c.48.
 - (i) 1988 c.1.
 - (j) 1988 c.49.
 - (k) 1990 c.19.
 - (l) 1995 c.17.
 - (m) 1996 c.18.
 - (n) 1997 c.46.
 - (o) 1999 c.8.
 - (p) S.I. 1999/672.

- (r) the Freedom of Information Act 2000(a);
- (s) the Health and Social Care Act 2001(b); and
- (t) the National Health Service Reform and Health Care Professions Act 2002(c).

**Amendment of the Health and Social Care (Community Health and Standards) Act 2003
Commencement (No.2) Order 2004**

12. In article 7 of the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2) Order 2004(d), for paragraph (1) substitute—

“(1) The following transitional provisions shall apply until 1st April 2006.”.

Signed by authority of the Secretary of State for Health

20th October 2005

Rosie Winterton
Minister of State,
Department of Health

(a) 2000 c.36.
(b) 2001 c.15.
(c) 2002 c.17.
(d) S.I. 2004/288.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the eighth commencement order under the Health and Social Care (Community Health and Standards) Act 2003 (“the Act”).

Article 2(1) commences section 86 of the Act as from 30th October 2005. That section provides for the Commission for Social Care Inspection (the “CSCI”) to be able to determine and levy fees in relation to such of its functions under sections 79, 80 or 82 of the Act as may be prescribed. In addition, as from the same date, it commences section 105(2) (and 105(1) in so far as it relates to subsection (2)) of the Act for the purposes of allowing the Commission for Healthcare Audit and Inspection (“the CHAI”), to determine the fees payable to it from 1st April 2006 and thereafter under Part 2 of the Care Standards Act 2000 (“the 2000 Act”). Article 2(2) commences section 105(3) to (7) of the Act with effect from 1st April 2006, and section 105(1) in so far as it relates to those subsections. Article 3 contains transitional provisions in relation to the 2000 Act which will apply until such time as section 105(2) of the Act is commenced in relation to the CSCI.

Article 4 relates to primary dental services. Article 4(1) commences from 1st December 2005 section 179(1) of the Act in relation to new section 28X of the National Health Service Act 1977 (“the 1977 Act”) in so far as that section concerns lists of persons performing primary dental services. It also commences from 1st December 2005 a regulation making power in section 45B(9) of the 1977 Act concerning Local Dental Committees.

Article 4(2) commences from 1st January 2006 section 170 of the Act in relation to new section 16CA(2) and (4) of the 1977 Act which empowers Primary Care Trusts to provide primary dental services or secure their provision. It also commences from 1st January 2006 a regulation making power in new section 16CB of the 1977 Act in respect of prescribing the dental public health functions of Primary Care Trusts. It also commences on that date section 180 of the Act in so far as it is not in force, namely as it relates to financial assistance and support to persons proposing or providing primary dental services under a general dental services contract or under section 28C arrangements.

Article 4(3) commences from 1st April 2006 section 170 of the Act in so far as not in force, in particular in relation to the duty on Primary Care Trusts in the new section 16CA(1) of the 1977 Act to provide or secure the provision of primary dental services in their areas. It also commences from that date the remainder of section 171 in so far as it inserts the new section 16CB(1) and (4) of the 1977 Act which relate to dental public health functions, and in so far as it repeals section 5(1A) of the 1977 Act.

Article 5 relates to general dental services contracts. Article 5(1)(a) and (b) commence from 1st December 2005 the regulation and direction making powers inserted into the 1977 Act by section 172(1) of the Act. Article 5(1)(c) commences the power in section 173 of the Act to make transitional provision in respect of dental practitioners who were providing general dental services under section 35 of the 1977 Act.

Article 5(2) commences section 172(1) of the Act fully from 1st January 2006.

Article 5(3) commences from 1st April 2006 section 172(2) which repeals sections 35 and 36 of the 1977 Act concerning general dental services.

Article 6 relates to arrangements for primary dental services which may be made under section 28C of the 1977 Act. It commences from 1st December 2005 amendments to sections 28D and 28E of the 1977 Act by section 177(1) to (11) of the Act in so far as not in force, namely in their application to primary dental services. It also commences from 1st April 2006 section 178 of the Act in relation to the repeal of personal dental services pilot schemes made under Part 1 of the National Health Service (Primary Care) Act 1997. It also commences the remainder of section 177, namely the repeal of section 28G of the 1977 Act (choice of dental practitioner).

Article 7(1) commences on 1st November 2005 section 183 of the Act which inserts a new section 79 and Schedule 12ZA (which relate to charges for primary dental services) into the 1977 Act, but only for the purposes of making regulations. Article 7(2) fully commences section 183 on 1st April 2006.

Article 8 relates to the provision of a complaints procedure in relation to special guardianship support services. It fully commences section 117(1) of the Act on 30th December 2005.

Article 9 commences on 1st April 2006 the abolition of the Dental Practice Board.

Article 10 commences on 1st April 2006 various consequential amendments relating to primary dental services, general dental services, section 28C arrangements and the abolition of the Dental Practice Board contained in Schedule 11 to the Act.

Article 11 commences on 1st April 2006 various repeals relating to primary dental services, general dental services, section 28C arrangements and the abolition of the Dental Practice Board.

Article 12 amends the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2) Order 2004 in order to provide that certain transitional provisions contained in that Order continue in force until 1st April 2006 rather than upon the coming into force of section 172(1) of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Health and Social Care (Community Health and Standards) Act 2003 listed in the table below have been brought into force by a commencement order made before the date of this Order. Except where indicated, the provision has been commenced in relation to England and Wales.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 1	1.4.2004	2004/759
Sections 2 to 4	1.1.2004	2003/3346
Sections 5 to 20	1.4.2004	2004/759
Sections 22 to 35	1.4.2004	2004/759
Section 36	1.1.2004	2003/3346
Sections 37 to 39	1.4.2004	2004/759
Section 40	1.1.2004	2003/3346
Section 41	8.1.2004	2003/3346
Section 42	1.1.2004	2003/3346
Section 43	11.3.2004	2004/759
Sections 44 to 46	1.4.2004	2004/759
Sections 48 and 49	1.4.2004	2004/759
*Section 50(1)	1.4.2004 (partially) and 1.4.2006 (remainder)	2004/759
Section 50(2) and (3)	1.4.2005	2004/759
Section 50(4)	1.4.2006	2004/759
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3), (5) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2005	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2004	2004/759
Section 52(5)	1.4.2005	2004/759
Section 53	1.4.2004 (remainder)	2004/759
Sections 54 to 56	1.4.2004	2004/759
Section 57	1.4.2004 (remainder)	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 76 to 84	1.4.2004	2004/759
Section 85 as to England	1.4.2005	2005/457
Sections 87 to 91	1.4.2004	2004/759
Sections 102 to 104	1.4.2004	2004/759
Section 106	1.4.2004	2004/759

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 108	1.4.2004	2004/759
Sections 110 and 111	1.4.2004	2004/759
Section 112	11.3.2004	2004/759
Section 117 as to England	17.1.2005 (partially)	2005/38
Sections 118 and 119	1.6.2004	2004/759
Sections 120 and 121	1.4.2004	2004/759
Sections 123 to 141	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England	1.1.2004 (partially)	2003/3346
Section 147	8.1.2004 (partially)	2003/3346
Section 147	11.3.2004 (partially), 1.4.2004 (partially) and 1.6.2004 (partially)	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to England	1.3.2004 (partially) and 1.4.2004 (remainder)	2004/288 as amended by 2004/866
Section 175(1) as to England	3.2.2004 (partially)	2004/288
Section 175(1)	1.3.2004	2004/288
Section 175 as to England	1.4.2004 (remainder)	2004/288
Section 176 as to England	3.2.2004	2004/288
Section 177(1) and (2) as to England	3.2.2004 (partially) and 1.3.2004 (partially)	2004/288
Section 177(3) to (11) as to England	1.3.2004 (partially)	2004/288
Section 177(12) as to England	1.4.2004 (partially)	2004/288
Section 178 as to England	1.4.2004 (partially)	2004/288
Section 179(1) as to England	3.2.2004 (partially)	2004/288
Section 179(2) as to England	3.2.2004	2004/288
Section 180 as to England	1.3.2004 (partially)	2004/288
Section 184 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 184 as to England	17.1.2005 (partially)	2005/38
Section 185	12.8.05 (partially) and 7.10.05 (partially)	2005/2278
Sections 187 and 188	19.10.2004	2004/2626
Section 189(1)	1.4.2004	2004/759
Section 190	1.4.2005	2005/457
Section 196 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Section 196	1.4.2004 (partially)	2004/759
Section 196	17.1.2005 (partially)	2005/38
Section 196	1.4.2005 (partially)	2005/457
Section 196	7.10.2005 (partially)	2005/2278
Schedule 1	1.4.2004	2004/759
Schedule 2	1.1.2004	2003/3346
Schedules 3 to 5	1.4.2004	2004/759
Schedule 6	8.1.2004	2003/3346
Schedule 7	1.1.2004	2003/3346
Schedule 8	11.3.2004	2004/759
Schedule 9		
Paragraph 1	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 2	1.4.2004	2004/759

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Paragraphs 3 and 5 to 8	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 9	1.6.2004	2004/759
Paragraph 10	1.4.2004	2004/759
Paragraph 11	1.6.2004	2004/759
Paragraph 12	1.4.2004	2004/759
Paragraph 14	1.4.2004	2004/759
Paragraph 16	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 17 to 22	1.4.2004	2004/759
Paragraph 23(a)	1.4.2004	2004/759
Paragraph 23(b)	11.3.2004 (partially)	2004/759
Paragraphs 24 to 26	1.4.2004	2004/759
Paragraph 27	11.3.2004 (partially) and 1.4.2004 (remainder)	2004/759
Paragraphs 28 to 30	1.4.2004	2004/759
Paragraph 31	1.1.2004 (partially) and 8.1.2004 (partially)	2003/3346
Paragraph 32	1.4.2004	2004/759
Schedule 11		
Paragraph 1 as to England	1.4.2004	2004/288
Paragraph 2 as to England	1.4.2004 (partially)	2004/288
Paragraph 3(1), (2)(a) and (3) to (5) as to England	1.4.2004 (partially)	2004/288
Paragraphs 4 to 6 as to England	1.4.2004	2004/288
Paragraph 7 as to England	3.2.2004 (partially), 1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 8 as to England	1.3.2004	2004/288
Paragraph 9 as to England	1.4.2004	2004/288
Paragraphs 12 and 13 as to England	1.4.2004	2004/288
Paragraphs 14 to 17 as to England	1.3.2004 (partially)	2004/288
Paragraph 20 as to England	1.4.2004 (partially)	2004/288
Paragraph 21(1) and (3) as to England	1.4.2004 (partially)	2004/288
Paragraph 22 as to England	1.4.2004 (partially)	2004/288
Paragraph 23 as to England	3.2.2004 (partially) and 1.4.2004 (partially)	2004/288
Paragraph 24(a) as to England	1.4.2004	2004/288
Paragraph 25 as to England	1.4.2004	2004/288
Paragraph 26 as to England	11.3.2004 (partially)	2004/759
Paragraph 26 as to England	1.4.2004 (remainder)	2004/288
Paragraph 27 as to England	1.4.2004	2004/288
Paragraph 36(a) as to England	1.4.2004	2004/288
Paragraph 37 as to England	1.4.2004	2004/288
Paragraph 38 as to England	3.2.2004	2004/288
Paragraph 39 as to England	3.2.2004 (partially)	2004/288
Paragraphs 42 to 44 as to England	1.4.2004	2004/288
Paragraphs 45 and 46 as to England	1.4.2004 (partially)	2004/288
Paragraphs 47 to 49 as to England	1.4.2004	2004/288
Paragraphs 51 and 52 as to England	1.4.2004	2004/288
Paragraph 53 as to England	1.4.2004 (partially)	2004/288
Paragraphs 55 to 59 as to England	1.4.2004	2004/288
Paragraph 60 as to England	1.4.2004 (partially)	2004/288

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Paragraphs 62 and 63 as to England	1.4.2004	2004/288
Paragraphs 65 and 67(a) as to England	1.4.2004	2004/288
Paragraph 68 as to England	17.1.2005	2005/38
Paragraph 69 as to England	1.4.2004 (partially)	2004/288
Paragraphs 70, 71, 73 and 74 as to England	1.4.2004	2004/288
Schedule 12	19.10.2004	2004/2626
Schedule 14 as to England	1.3.2004 (partially) and 1.4.2004 (partially)	2004/288
Schedule 14 as to England	17.1.2005 (partially)	2005/38
Schedule 14	1.4.2004 (partially)	2004/759
Schedule 14	1.4.2005 (partially)	2005/457

*The appointed day has not yet been reached on the day this Order is made.

2005 No. 2925 (C.125)

NATIONAL HEALTH SERVICE, ENGLAND AND WALES

SOCIAL CARE, ENGLAND

The Health and Social Care (Community Health and Standards) Act
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