
STATUTORY INSTRUMENTS

2008 No. 1972 (C. 96)

NATIONAL HEALTH SERVICE, ENGLAND

The Health Act 2006 (Commencement No. 5) Order 2008

Made - - - - 22nd July 2008

The Secretary of State for Health makes this Order in exercise of the powers conferred by section 83(7) and (8) of the Health Act 2006⁽¹⁾.

Citation and interpretation

1.—(1) This Order may be cited as the Health Act 2006 (Commencement No.5) Order 2008.

(2) In this Order references to sections and Schedules are references to sections of and Schedules to the Health Act 2006.

Appointed day for provisions in respect of ophthalmic services

2. 1st August 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) sections 37 to 42;
- (b) in Schedule 8, paragraphs 6 to 23, 24 (in so far as not already in force), 25, 29, 32 to 34, 45 (in so far as not already in force), 46 and 50 and section 80(1) in so far as it relates to those paragraphs;
- (c) in Schedule 9 the repeals of the National Health Service Act 1977 and section 80(2) in so far as it relates to those repeals.

Signed by authority of the Secretary of State for Health

22nd July 2008

Ann Keen
Parliamentary Under Secretary of State
Department for Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fifth commencement order under the Health Act 2006 (c.28) (“the 2006 Act”).

Article 2 commences sections 37 to 42 of the 2006 Act, which amend the National Health Service Act 1977 (c.49) (“the 1977 Act”). The effect of sections 37 and 38 is to create a duty upon Primary Care Trusts (“PCTs”) to secure the provision of primary ophthalmic services within their area and to enter into contracts with persons who will provide such services. The effect of section 39 is to provide for regulations as to who may perform those services. The effect of section 40 is to permit PCTs to provide assistance and support for providers of primary ophthalmic services. The effect of section 41 is to permit PCTs to recognise local committees representative of those providing and performing the services. The effect of section 42 is to make provision for regulations to stop payments that would otherwise be made to certain persons from being made and for a right of appeal against this.

Article 2 also commences some minor and consequential amendments to and repeals certain provisions of the 1977 Act.

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>
Sections 1 to 3, 5 (other than section 5(4) and 10 to 12)	2.4.2007 (in relation to Wales) and 1.7.2007 (in relation to England)	2007/204 2007/1375
Section 4	1.7.2007 (in relation to England)	2007/1375
Section 5(4)	2.4.2007 (in relation to Wales) 1.7.2007 (in relation to England, Scotland and Northern Ireland)	2007/204 2007/1375
Section 9	1.7.2007 (in relation to England)	2007/1375
Sections 10 to 12	2.4.2007 (in relation to Wales) and 1.7.2007 (in relation to England)	2007/204 2007/1375
Section 13	1.7.2007	2007/1375
Sections 14 to 16	1.10.2006	2006/2603
Sections 17 to 25	1.1.2007 (partially) and 1.3.2007 (in relation to Scotland)	2006/3125
Section 33	1.10. 2006	2006/2603
Sections 34 and 35	28.2.2007 (partially)	2006/3125
Section 43	1.05.2008	2008/1147
Sections 44 to 55	1.2.2007 (in relation to Wales)	2007/204

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 44 to 55	22.4.2008 (in relation to England)	2008/1147
Section 56	1.10.2006 (partially) 1.2.2007 (in relation to Wales)	2006/2603 2007/204
Section 57	1.10.2006	2006/2603
Sections 58 to 62	28.9.2006 (partially) and 1.10.2006 (remainder)	2006/2603
Sections 63 to 69	1.10.2006	2006/2603
Section 70	28.9.2006 (partially) and 1.10.2006 (remainder)	2006/2603
Section 71	28.9.2006 (partially) and 1.10. 2006 (remainder)	2006/2603
Section 72	28.4.2008	2008/1147
Section 73	29.1.2007 (partially)	2006/3125
	29.1.2007	SSI 2007/9
Sections 76 to 77	1.2.2007 (in relation to Wales – partially) and 2.4.2007 (in relation to Wales – partially)	2007/204
Sections 76 and 77	22.4.2008 (in relation to England and Scotland, so far as they relate to offences under Chapter 1 of Part 3)	2008/1147
Section 78	22.4.2008 (in relation to England, so far as it relates to offences under Chapter 1 of Part 3)	2008/1147
Section 78	2.4.2007 (in relation to Wales – partially)	2007/204
Section 80(1)	1.10.2006 (partially)	2006/2603
	29.1.2007 (in relation to Scotland – partially)	SSI 2007/9
	1.2.2007 (in relation to Wales – partially)	2007/204
Section 80(2)	1.10.2006 (partially)	2006/2603
	1.2.2007 (in relation to Wales – partially)	2007/204
Schedules 1 and 2	2.4.2007 (in relation to Wales) and 1.7.2007 (in relation to England)	2007/204 2007/1375

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 3	1.10.2006 (partially)	2006/2603
	1.2.2007 (in relation to Wales)	2007/204
Schedule 4	1.10.2006	2006/2603
Schedules 5 and 6	28.9.2006 (partially) and	2006/2603
	1.10.2006 (remainder)	
Schedule 7	1.10.2006	2006/2603
Schedule 8		
paragraphs 1 to 5	1.10.2006	2006/2603
paragraph 24(a)	1.10.2006 (partially)	2006/2603
	1.2.2007 (in relation to Wales – partially)	2007/204
paragraphs 26 to 28	1.10.2006 (partially)	2006/2603
paragraph 31	1.10.2006	2006/2603
paragraph 35	1.10.2006	2006/2603
paragraphs 39 to 42	1.10.2006 (partially)	2006/2603
paragraph 43	1.2.2007 (in relation to Wales – partially)	2007/204
paragraph 44	1.10.2006 (partially)	2006/2603
	1.2.2007 (in relation to Wales – partially)	2007/204
paragraph 45(1)	1.10.2006 (partially)	2006/2603
paragraph 45(3)	1.10.2006	2006/2603
paragraphs 47 and 48	1.10.2006	2006/2603
paragraph 49	1.10.2006 (partially)	2006/2603
paragraphs 51 and 52	1.10.2006	2006/2603
paragraph 55	29.1.2007 (in relation to Scotland)	SSI 2007/9
paragraphs 56 to 61	1.10.2006	2006/2603
paragraph 62	1.2.2007 (in relation to Wales – partially)	2007/204
Schedule 9	1.10.2006 (partially)	2006/2603
	1.2.2007 (in relation to Wales – partially)	2007/204