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STATUTORY INSTRUMENTS

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**2008 No. 2497 (C. 106)**

**HEALTH CARE AND  
ASSOCIATED PROFESSIONS  
HEARING AID COUNCIL  
NATIONAL HEALTH SERVICE, ENGLAND  
PUBLIC HEALTH, ENGLAND  
SOCIAL CARE**

The Health and Social Care Act 2008  
(Commencement No.2) Order 2008

*Made - - - - 19th September 2008*

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 170(3) and (4) of the Health and Social Care Act 2008<sup>(1)</sup>. In accordance with section 172(1) of that Act he has consulted the Scottish Ministers.

**Citation, interpretation and extent**

1.—(1) This Order may be cited as the Health and Social Care Act 2008 (Commencement No. 2) Order 2008.

(2) In this Order, “the Act” means the Health and Social Care Act 2008.

(3) Articles 2, 5, 6 and 7 of this Order extend to England and Wales except that—

(a) article 2(m) extends to England and Wales, Scotland and Northern Ireland; and

(b) insofar as article 2 or 7 bring into force an amendment, repeal or revocation of any enactment, it had the same extent as that enactment.

**Appointed day for provisions relating to the Care Quality Commission**

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

(a) section 1(1);

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<sup>(1)</sup> 2008 c. 14. See section 171(2) of that Act for the definition of “appropriate authority”.

- (b) section 1(3) insofar as it relates to the paragraphs of Schedule 1 to the Act listed in paragraph (n);
- (c) section 2(1);
- (d) sections 3 to 7;
- (e) section 9;
- (f) section 46(4) to (8)
- (g) section 47;
- (h) section 66 insofar as it relates to the paragraphs of Schedule 4 to the Act listed in paragraph (p);
- (i) sections 76 to 83;
- (j) section 85;
- (k) section 88;
- (l) section 95 insofar as it relates to the paragraphs of Schedule 5 to the Act listed in paragraph (q);
- (m) section 97;
- (n) in Schedule 1—
  - (i) paragraphs 1 to 5,
  - (ii) paragraph 6(3),
  - (iii) paragraph 6(4) except insofar as it relates to the advisory committee,
  - (iv) paragraph 6(6) to (8),
  - (v) paragraph 7 except sub-paragraph (3),
  - (vi) paragraphs 8 to 12;
- (o) Schedule 2;
- (p) in Schedule 4—
  - (i) paragraph 1,
  - (ii) paragraph 3,
  - (iii) paragraph 5 insofar as it relates to the functions of inspecting and reporting under Part 1 of the Act,
  - (iv) paragraphs 7 and 8;
- (q) in Schedule 5—
  - (i) paragraph 54(b),
  - (ii) paragraph 56(b),
  - (iii) paragraph 57(1) to the extent that it relates to paragraph 57(2)(b),
  - (iv) paragraph 57(2)(b),
  - (v) paragraph 58(b),
  - (vi) paragraph 59(1) to the extent that it relates to paragraph 59(2)(b),
  - (vii) paragraph 59(2)(b),
  - (viii) paragraph 73(b),
  - (ix) paragraph 80(b),
  - (x) paragraph 94.

### **Appointed day for provisions relating to s. 60 of Health Act 1999**

3. 1st October 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 111 insofar as it relates to the provisions of Schedule 8 listed in paragraph (b);
- (b) in Schedule 8—
  - (i) paragraph 3 insofar as it relates to paragraphs 5(4) and 8(a),
  - (ii) paragraph 5(4),
  - (iii) paragraph 8(a).

### **Appointed day for provisions relating to dissolution of Hearing Aid Council**

4. 1st October 2008 is the day appointed for the coming into force of section 123(3) to (6) of the Act.

### **Appointed day for provisions in relation to indemnity schemes in connection with provision of health services**

5. 1st October 2008 is the day appointed for the coming into force of section 142 of the Act.

### **Appointed day for provisions relating to weighing and measuring children: England**

6. 1st October 2008 is the day appointed for the coming into force of section 143 of the Act.

### **Appointed day for provisions in relation to the National Information Governance Board for Health and Social Care**

7.—(1) 1st October 2008 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 157(1) insofar as it relates to sections 250A(1) and 250C of the National Health Service Act 2006(2); and
- (b) paragraphs 2 to 4 of Schedule 14 and section 160 insofar as it relates to those paragraphs.

(2) 1st January 2009 is the day appointed for the coming into force of the following provisions of the Act—

- (a) section 157 insofar as it is not already in force;
- (b) section 158;
- (c) paragraph 5 of Schedule 14 and section 160 insofar as it relates to that paragraph; and
- (d) Part 6 of Schedule 15 and section 166 insofar as it relates to that Part.

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(2) 2006 c.41; sections 250A and 250C are inserted by the Act.

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

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Signed by authority of the Secretary of State for Health

19th September 2008

*Ben Bradshaw*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Health and Social Care Act 2008 (“the Act”).

Article 2 brings into force on 1st October 2008 the provisions in the Act establishing the Care Quality Commission. It also brings into force on that date provision consequential on such establishment and provision enabling the Care Quality Commission to take preparatory steps (such as the preparation of a programme of reviews) for the discharge of functions which will be commenced on 1st April 2009.

Article 3 brings into force on 1st October 2008 amendments to the Health Act 1999<sup>(3)</sup> which allow for orders under section 60 (regulation of health care and associated professions) of that Act to amend enactments made by the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly, and to provide for Privy Council functions under legislation for the regulation of health care professions to be exercised by others.

Article 4 brings into force provisions enabling an order to be made under section 60 of the Health Act 1999 which will regulate the profession of hearing aid dispensers, replacing the Hearing Aid Council which is to be abolished by section 123(1) of the Health and Social Care Act 2008.

Article 5 brings into force amendments to section 71 of the National Health Service Act 2006<sup>(4)</sup> to enable expansion of the membership of indemnity schemes set up under section 71 of that Act in order to include the Secretary of State and persons, other than National Health Service bodies, who provide, or arrange the provision of services provided as part of the health service.

Article 6 brings into force section 143 of the Act which provides for the insertion of new paragraphs 7A and 7B into Schedule 1 to the National Health Service Act 2006. These new paragraphs make provision about weighing and measuring children in England.

Article 7 brings into force sections 157 and 158 of the Act which establish the National Information Governance Board for Health and Social Care, insert new sections 250A to 250D into the National Health Service Act 2006, and substitute a new section for section 252 of that Act.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health and Social Care Act 2008 have been brought into force by a commencement order made before the date of this Order.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 127 (partially)	25.8.2008	<a href="#">2008/2214</a>
Paragraph 20 of Schedule 10	25.8.2008	<a href="#">2008/2214</a>
Paragraph 21 of Schedule 10 (partially)	25.8.2008	<a href="#">2008/2214</a>

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(3) 1999 c.8.

(4) 2006 c. 41.

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