
STATUTORY INSTRUMENTS

2012 No. 1319

**The Health and Social Care Act 2012 (Commencement
No.1 and Transitory Provision) Order 2012**

Commencement of provisions

2.—(1) Insofar as they are not already in force⁽¹⁾, the following provisions of the Act shall come into force in accordance with this Order.

(2) 1st June 2012 is the day appointed for the coming into force of the following provisions of the Act—

section 8 (Secretary of State's duty as to reporting on and reviewing treatment of providers);
section 64(3) to (5) (supplementary provision as to Monitor's general duties), and section 64(1) insofar as it relates to those subsections, only insofar as section 64(1) and (3) to (5) relate to section 8 of the Act;

section 299 (certificate of consent of community patients to treatment).

(3) 1st July 2012 is the day appointed for the coming into force of the following provisions of the Act—

section 39 (discharge of patients);
section 42 (transfers to and from special hospitals);
section 44 (patients' correspondence);
section 59 (repeal of AIDS (Control) Act 1987);
section 61(1) (Monitor);
section 64(3) to (5) (supplementary provision as to Monitor's general duties), and section 64(1) insofar as it relates to those subsections, insofar as they are not already in force;
section 79 (mergers involving NHS foundation trusts);
section 160 (bodies which may apply for foundation trust status);
section 201 (disclosure of reports etc. by the Health Service Commissioner);
section 207(8) and (10) (control of entry on pharmaceutical lists);
section 227 (appointments to regulatory bodies);
section 231 and Part 4 of Schedule 15 (abolition of the Office of the Health Professions Adjudicator);
section 278 and Part 1 of Schedule 20 (abolition of the Alcohol Education and Research Council);
section 283 (standing advisory committees);
section 288(1) and (2)(a) (Monitor: duty to co-operate with Care Quality Commission);
section 289(2), and section 289(1) insofar as it relates to that subsection (Care Quality Commission: duty to co-operate with Monitor);

(1) See section 306(1) of the Act for the provisions which came into force on the day the Act was passed.

section 289(3) insofar as it omits the whole of section 70(2) of the Health and Social Care Act 2008⁽²⁾, and insofar as it substitutes section 70(2)(a) of that Act, and section 289(1) insofar as it relates to section 289(3);

section 289(4)(a) and (6), and section 289(1) insofar as it relates to those subsections;

sections 300 to 302 and Schedules 22 and 23 (transfer schemes), except insofar as they relate to—

- (a) the National Health Service Commissioning Board,
 - (b) a clinical commissioning group,
 - (c) any person with whom the Secretary of State has made, or has decided to make, an agreement under section 12ZA(1) of the Mental Health Act 1983,
 - (d) the National Institute for Health and Care Excellence (established under section 232 of the Act), and
 - (e) the Health and Social Care Information Centre (established under section 252 of the Act);
- in Schedule 4, paragraphs 112 and 115 (consequential amendments of the National Health Service Act 2006 in relation to transfer schemes), and section 55(1) insofar as it relates to those paragraphs;

in Schedule 6, paragraph 2(1) (modification of requirements as to consultation), and paragraph 1(4) of that Schedule (interpretation) and section 55(3) (amendments related to Part 1 and transitional provision) insofar as they relate to that paragraph;

in Schedule 13 (minor and consequential amendments in relation to Part 3 of the Act)—

- (a) paragraphs 1 to 7,
- (b) paragraph 9(1) only insofar as it omits section 31(1) of the National Health Service Act 2006⁽³⁾,
- (c) paragraphs 11 to 13,
- (d) paragraph 8 insofar as it relates to paragraphs 9, 11 and 12, and
- (e) paragraphs 18 and 19,

and section 150(5) insofar as it relates to those paragraphs.

(4) 1st August 2012 is the day appointed for the coming into force of the following provisions of the Act—

sections 209 to 211 (power to regulate social workers etc. in England and orders under section 60 of the Health Act 1999);

section 212(2) and (3) (abolition of the General Social Care Council);

sections 213 to 218 (the Health and Care Professions Council);

section 220 (references in enactments to registered health professionals, etc.);

section 221 (functions of the Secretary of State in relation to social care workers);

section 223(1), (2), (5), (9), (10) and (14) (functions of the Professional Standards Authority for Health and Social Care);

section 230, except insofar as subsection (1) relates to Part 3 of Schedule 15, and Parts 1 and 2 of Schedule 15 (consequential provisions and savings, etc. in relation to Part 7 of the Act).

(2) 2008 c.14.

(3) 2006 c.41.