STATUTORY INSTRUMENTS

2018 No. 617 (C. 49)

HEALTH CARE AND ASSOCIATED PROFESSIONS

The Health and Social Care Act 2012 (Commencement No. 11 and Saving Provision) Order 2018

Made - - - - 22nd May 2018

The Secretary of State for Health and Social Care makes the following Order in exercise of the powers conferred by sections 304(10) and 306 of the Health and Social Care Act 2012(**1**).

In accordance with section 307(1)(g) of that Act, the Secretary of State has consulted the Scottish Ministers.

Citation

1. This Order may be cited as the Health and Social Care Act 2012 (Commencement No. 11 and Saving Provision) Order 2018.

Commencement of provisions

2. Insofar as they are not already in force, 4th June 2018 is the day appointed for the coming into force(**2**) of the following provisions of the Health and Social Care Act 2012—

(a) section 223 (functions of the Authority);

(b) section 226 (accountability and governance).

Saving Provision

3. Notwithstanding the coming into force of section 226 of the Health and Social Care Act 2012 by article 2(b)—

(a) the Council for Healthcare Regulatory Excellence (Appointment, Procedure etc) Regulations 2008(**3**) continue to have effect as if made by the Privy Council under

(**1**) 2012 c. 7.

(**2**) *See* section 306(1) of the Health and Social Care Act 2012 (c. 7) ("the Act") for the provisions which came into force on the day the Act was passed, and S.I. 2012/1319 (C. 47), 2012/1831 (C. 71), 2012/2657 (C. 107), 2013/160 (C. 9), 2013/671 (C. 28), 2013/2896 (C. 117), 2014/39 (C. 2), 2014/1454 (C. 57), 2015/409 (C. 23) and 2016/81 (C. 7) for provisions of the Act which came into force by Order on earlier dates.

(**3**) S.I. 2008/2927.

paragraph 6 of Schedule 7 to the National Health Service Reform and Health Care Professions Act 2002(**4**) ("the 2002 Act"), as amended by that section;

(b) determinations made under paragraph 10 of Schedule 7 to the 2002 Act continue to have effect as if made by the Professional Standards Authority for Health and Social Care;

(c) determinations made under paragraph 15 of Schedule 7 to the 2002 Act continue to have effect as if made by the Privy Council.

Signed by authority of the Secretary of State for Health and Social Care.

Stephen Barclay
Minister of State for Health,
Department of Health and Social Care

22nd May 2018

(**4**) 2002 c. 17.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 223 and 226 of the Health and Social Care Act 2012 (c. 7) ("the Act") insofar as they are not already in force. It is the eleventh such Order to be made under the Act.

Article 2 brings into force section 223(7), (8), (11), (12) and (13) and section 226(3), (4), (6), (7), (8) and (9) of the Act. These provisions amend the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("the 2002 Act") in connection with the Professional Standards Authority for Health and Social Care ("the Authority").

Section 223(7) of the Act amends section 27(5) and (13) of the 2002 Act. Section 27(5) is amended to substitute the Privy Council as the "relevant authority" to which any directions that the Authority gives to a regulatory body under section 27(2) of the 2002 Act must be sent (except in the case of the Pharmaceutical Society of Northern Ireland). Section 27(13) provides that the Privy Council must make provision in regulations as to the procedure to be followed in relation to the giving of such directions. Section 223(13) of the Act inserts subsection (3E) to section 38 of the 2002 Act to provide for the Parliamentary procedure for any such regulations. Section 223(8) of the Act amends section 27(7) of the 2002 Act to provide that, where the Privy Council receives such directions given by the Authority under section 27(2) of the 2002 Act, it must lay a draft of an order setting out the directions, and the date on which these are to come into force, before both Houses of Parliament. Section 223(11) and (12) of the Act make consequential amendments to section 38(2) and (3) of the 2002 Act.

Section 226(3) of the Act amends paragraph 6 of Schedule 7 to the 2002 Act to provide that the Privy Council, rather than the Secretary of State, may make regulations in connection with appointments to the Authority. Section 226(9) of the Act inserts subsection (3F) to section 38 of the 2002 Act to provide for the Parliamentary procedure for such regulations.

Section 226(4) of the Act amends paragraph 10 of Schedule 7 to the 2002 Act giving the Authority, rather than the Secretary of State, powers in connection with remuneration, allowances and pension for members and former members of the Authority.

Section 226(6) of the Act amends paragraph 15 of Schedule 7 to the 2002 Act to provide that is the Privy Council which will determine the form in which the Authority must keep and prepare its accounts and the period within which the Authority must send its accounts to the Comptroller and Auditor General.

Section 226(7) of the Act inserts paragraph 16(1B) into Schedule 7 to the 2002 Act. This places a duty on the Authority to publish a strategic plan for the coming financial year by a date determined by the Privy Council and paragraph 16(2) of Schedule 7 is amended by section 226(8) of the Act to provide that the Authority must lay a copy of that strategic plan before Parliament, the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

Article 3 makes saving provision to ensure the continued application of Regulations made under the 2002 Act and the continued application of determinations made prior to the amendment of the 2002 Act by the Act.

A full impact assessment has not been produced for this instrument as this Order itself has no impact on the private sector or civil society organisations. A full impact assessment has been produced in relation to the provisions of the Act, including provisions that are commenced by this Order, and a copy is available at https://www.gov.uk/government/publications/health-and-social-care-bill-2011-combined-impact-assessments. A hard copy of this impact assessment can be

obtained from Professional Regulation Branch, Acute Care and Workforce Directorate, Department of Health and Social Care, Quarry House, Quarry Hill, Leeds, LS2 7UE.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Provision	*Date of Commencement*	*S.I. No.*
Section 1 (partially)	1st October 2012	S.I. 2012/1831
Section 1 (remainder)	1st April 2013	S.I. 2013/160
Sections 2 to 7	1st April 2013	S.I. 2013/160
Section 8	1st June 2012	S.I. 2012/1319
Section 9 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 9 (remainder)	1st April 2013	S.I. 2013/160
Section 10 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 10 (remainder)	1st April 2013	S.I. 2013/160
Sections 11 and 12	1st April 2013	S.I. 2013/160
Section 13 (partially)	1st February 2013	S.I. 2012/2657
Section 13 (remainder)	1st April 2013	S.I. 2013/160
Section 14 (partially)	1st February 2013	S.I. 2012/2657
Section 14 (remainder)	1st April 2013	S.I. 2013/160
Section 15	1st February 2013	S.I. 2012/2657
Section 16	1st April 2013	S.I. 2013/160
Section 17 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 17 (remainder)	1st April 2013	S.I. 2013/160
Sections 18 and 19	1st April 2013	S.I. 2013/160
Section 20	1st February 2013	S.I. 2012/2657
Section 21	1st October 2012	S.I. 2012/1831
Section 22 (partially)	1st October 2012	S.I. 20121831
Section 22 (remainder)	1st April 2013	S.I. 2013/160
Section 23 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 23 (remainder)	1st April 2013	S.I. 2013/160
Section 24 (partially)	1st October 2012	S.I. 2012/1831
Section 24 (remainder)	1st April 2013	S.I. 2013/160

Provision	*Date of Commencement*	*S.I. No.*
Section 25 (partially)	1st October 2012	S.I. 2012/1831
Section 25 (remainder)	1st April 2013	S.I. 2013/160
Section 26 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 26 (remainder)	1st April 2013	S.I. 2013/160
Section 27 (partially)	1st October 2012	S.I. 2012/1831
Section 27 (remainder)	1st April 2013	S.I. 2013/160
Section 28	1st April 2013	S.I. 2013/160
Sections 29 to 34	1st April 2013	S.I. 2013/160
Section 35 (partially), in relation to England only	1st April 2013	S.I. 2013/160
Section 36 in relation to England only	1st April 2013	S.I. 2013/160
Section 37 in relation to England only	1st April 2013	S.I. 2013/160
Section 38	1st April 2013	S.I. 2013/160
Section 39	1st July 2012	S.I. 2013/1319
Section 40 (partially)	1st February 2013	S.I. 2012/2657
Section 40 (remainder)	1st April 2013	S.I. 2013/160
Section 41	1st April 2013	S.I. 2013/160
Section 42	1st July 2012	S.I. 2012/1319
Section 43	1st April 2013	S.I. 2013/160
Section 44	1st July 2012	S.I. 2012/1319
Section 45 to 54	1st April 2013	S.I. 2013/160
Section 55 (partially)	1st July 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Sections 56 to 58	1st April 2013	S.I. 2013/160
Section 59	1st July 2012	S.I. 2012/1319
Section 60	1st April 2013	S.I. 2013/160
Section 61 (partially)	1st July 2012	S.I. 2012/1319
Section 61 (remainder)	1st November 2012	S.I. 2012/2657
Section 62 (partially)	1st November 2012	S.I. 2012/2657
Section 62 (remainder)	1st April 2013	S.I. 2013/160
Section 63	1st November 2012	S.I. 2012/2657
Section 64 (partially)	1st June 2012	S.I. 2012/1319