STATUTORY INSTRUMENTS

2017 No. 810 (C. 68)

NATIONAL HEALTH SERVICE, ENGLAND AND WALES
NATIONAL HEALTH SERVICE, SCOTLAND
HEALTH AND PERSONAL SOCIAL SERVICES, NORTHERN IRELAND

The Health Act 1999 (Commencement No. 17) Order 2017

Made - - - - 31st July 2017

The Secretary of State makes the following Order in exercise of the powers conferred by section 67(1) and (2) of the Health Act 1999(**1**).

Citation

1. This Order may be cited as the Health Act 1999 (Commencement No. 17) Order 2017.

Appointed Day

2. 7th August 2017 is the day appointed for the coming into force of the following provisions—

(a) subsection (8) of section 33 (powers relating to voluntary schemes);

(b) section 35 (statutory schemes);

(c) subsection (10) of section 37 (enforcement);

(d) section 38 (controls: supplementary) in so far as it is not already in force.

(**1**) 1999 c.8. Sections 26 to 39 of the Health Act 1999 were repealed by section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006 (c.43) to the extent that they were brought into force before the coming into force of that Act. The provisions of the Health Act 1999 which are being commenced by article 2 of this Order are, by virtue of section 277(3) and (4) of the National Health Service Act 2006 (c.41), re-enacted as sections 261(8), 263, 265(10) and 266 of that Act and come into force immediately after that re-enactment.

Signed by authority of the Secretary of State for Health.

O'Shaughnessy
Parliamentary Under-Secretary of State,
Department of Health

31st July 2017

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 7th August 2017 sections 33(8), 35, 37(10) and 38 of the Health Act 1999, in so far as they are not already in force. These provisions relate to the control of prices of health service medicines and profits which may accrue in connection with the manufacture or supply of those medicines.

By way of section 277(3)(a) and (4) of the National Health Service Act ("the 2006 Act"), the commencement of these provisions of the Health Act 1999 brings into force their re-enactment in the National Health Service Act 2006 and also their repeal by virtue of provision in section 6 of, and Schedule 4 to, the National Health Service (Consequential Provisions) Act 2006.

The commencement of section 33(8) of the Health Act 1999 brings into force its re-enactment as section 261(8) of the 2006 Act which provides the Secretary of State with the power to prohibit a manufacturer or supplier to whom a voluntary scheme (as referred to in section 261(1) of that Act) applies from increasing the prices of health service medicines covered by the scheme without the approval of the Secretary of State and to provide for any amount representing such an increase to be paid to the Secretary of State.

The commencement of section 35 of the Health Act 1999 brings into force its re-enactment as section 263 of the 2006 Act which provides the Secretary of State with the power to make statutory schemes in accordance with the provisions set out at section 35.

The commencement of section 37(10) of the Health Act 1999 brings into force its re-enactment as section 265(10) of the 2006 Act which provides the Secretary of State with the power to make an order to increase the level of penalty that a person acting in contravention of certain provisions in the 2006 Act may be liable for.

The commencement of section 38 of the Health Act 1999 brings into force its re-enactment as section 266 of the 2006 Act in so far as it is not already in force, and in this respect, in so far as it relates to sections 33(8) and section 35. Section 266 sets out supplementary provisions in relation to the exercise of the medicines pricing and profit control powers.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health Act 1999 have been brought into force by commencement order made before the date of this Order. In addition to the provisions listed below, various provisions of Part 2 of, and Schedules 4 and 5 to, the Act that extend only to Scotland have been brought into force on 1st October 1999 by the Health Act 1999 (Commencement No.4) Order 1999, S.S.I. 1999/90 (C.66), on 14th October 1999 by the Health Act 1999 (Commencement No.6) (Scotland) Order 1999, S.S.I 1999 No. 115 (C.73), on 1st March 2000 by the Health Act 1999 (Commencement No.7) (Scotland) Order 2000, S.S.I 2000 No. 38 (C.2) and on 31st January 2004 and 4th March 2004 by the Health Act 1999 (Commencement No. 14) (Scotland) Order 2004, S.S.I. 2000 No. 32 (C.2).

Provision	*Date of Commencement*	*S.I. No.*
s.1 as to England	1.10.99	1999/2540
as to Wales	1.4.00	2000/1026

Provision	*Date of Commencement*	*S.I. No.*
s. 2 as to England		
(partially)	8.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s.3 as to England	1.4.00	1999/2342
s.4 as to England		
(partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
s. 5 as to England (partially)	4.1.00	1999/2342
s. 6(1) as to England	4.1.00	1999/2342
s. 6(2) as to England	1.4.00	2004/289
s. 7 as to England	4.1.00	1999/2342
s.8 as to England	1.9.99	1999/2342
s. 9 as to England	1.4.00	1999/2793
as to Wales	1.4.00	2000/1041
s.11 as to England	1.9.99	1999/2342
as to Wales	1.4.00	2000/1026
s.12 as to England		
(partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
as to Wales (partially)	1.12.99	1999/3184
ss.13 and 14 as to England	1.10.99	1999/2540
as to Wales	1.11.99	1999/3184
ss. 15 to 17 as to England	1.9.99	1999/2342
as to Wales	1.11.99	1999/3184
s. 18 as to England		
(partially)	1.11.99	1999/2793
(remainder)	4.1.00	1999/2793
as to Wales (partially)	1.11.99	1999/3184
s.19	1.11.99	1999/2793
s.20 as to England and Wales (partially)	1.11.99	1999/2793
as to England (remainder)	4.1.00	1999/2793
s.21 as to England	4.1.00	1999/2793
as to Wales	1.4.00	2000/1041
ss. 23 to 25	1.11.99	1999/2793