WELSH STATUTORY INSTRUMENTS

# 2010 No. 1547 (W.145) (C.84)

# PUBLIC HEALTH, WALES

## The Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010

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| *Made - - - -* | *8 June 2010* |
| *Laid before the National Assembly for Wales - -* | *10 June 2010* |
| *Coming into force - -* | *26 July 2010* |

The Welsh Ministers, in exercise of the powers conferred by sections 161(3) and (4), 167(2) and 170(3) of the Health and Social Care Act 2008(**1**) make the following Order:

### Title, application and interpretation

**1.**—(1) The title of this Order is the Health and Social Care Act 2008 (Commencement No. 4, Transitional and Savings Provisions) (Wales) Order 2010.

(2) This Order applies in relation to Wales.

(3) In this Order—

(a) "the 1984 Act" ("*Deddf 1984*") means the Public Health (Control of Disease) Act 1984(**2**); and

(b) "the 2008 Act" ("*Deddf 2008*") means the Health and Social Care Act 2008.

### Appointed day

**2.** 26 July 2010 is the appointed day for the coming into force of the following provisions of the 2008 Act—

(a) section 129, in so far as not already in force;

(b) section 130(1), except in so far as it relates to sections 13 to 15 and 76 of the 1984 Act ceasing to have effect;

(c) section 130(2);

(d) section 166, in so far as it relates to the provisions of Part 3 of Schedule 15 commenced by paragraph (f);

(**1**) 2008 c. 14. *See* section 171(2) of that Act for the definition of "appropriate authority", which is relevant to the power being exercised.
(**2**) 1984 c. 22.

(e) Schedule 11; and

(f) Part 3 of Schedule 15, except in so far as it relates to the repeal of sections 13 to 15 and 76 of the 1984 Act.

**Transitional and savings provisions**

**3.** The transitional and savings provisions set out in Schedule 1 have effect.

*Elin Jones*
Minister for Health and Social Services, one of the Welsh Ministers

8 June 2010

## SCHEDULE 1

Article 3

Transitional and savings provisions

### Interpretation

**1.** In this Schedule—

"the Notification Regulations" ("*y Rheoliadau Hysbysu*") means the Health Protection (Notification) (Wales) Regulations 2010(**3**); and

"the Local Authority Powers Regulations" ("*y Rheoliadau Pwerau Awdurdodau Lleol*") means the Health Protection (Local Authority Powers) (Wales) Regulations 2010(**4**).

### Section 9 of the 1984 Act

**2.** Section 9 of the 1984 Act (vessels in inland or coastal waters) continues in force for the purposes of section 13 of the 1984 Act (regulations for control of certain diseases) (notwithstanding the repeal of section 9 by the 2008 Act).

### Section 11 of the 1984 Act: duty of registered medical practitioners

**3.**—(1) Where—

(a) a duty on a registered medical practitioner under section 11 of the 1984 Act (cases of notifiable disease and food poisoning to be reported) has arisen before 26 July 2010 but has not been discharged before that date; and

(b) the duty is in connection with a notifiable disease or syndrome that is listed in Schedule 1 to the Notification Regulations (Notifiable Diseases and Syndromes),

the registered medical practitioner must comply with regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purpose of sub-paragraph (1), the registered medical practitioner is to be treated as having formed a suspicion under regulation 2(1) of the Notification Regulations on 26 July 2010.

### Section 11 of the 1984 Act: duty of proper officers

**4.**—(1) Where—

(a) a proper officer of a local authority has received a certificate in accordance with section 11(1) of the 1984 Act (cases of notifiable disease and food poisoning to be reported);

(b) the proper officer has not discharged the duty to send copies of that certificate to other specified parties under section 11(3) of that Act(**5**) before 26 July 2010; and

(c) the certificate relates to a notifiable disease or syndrome that is listed in Schedule 1 to the Notification Regulations (Notifiable Diseases and Syndromes),

the certificate is to be treated as a notification sent under regulation 2 of the Notification Regulations (duty to notify suspected disease, infection or contamination in patients).

(2) For the purposes of sub-paragraph (1), the proper officer is to be treated as having received the notification on 26 July 2010.

(**3**) S.I. 2010/1546 (W.144).
(**4**) S.I. 2010/1545 (W.143).
(**5**) Before its repeal, section 11(3) was amended by the National Health Service Reform and Health Care Professions Act 2002 (c. 17), Schedule 2, Part 2, paragraphs 50(1) and (2).