WELSH STATUTORY INSTRUMENTS

2010 No. 989 (W.98) (C.67)

SOCIAL CARE, WALES

The Health and Social Care Act 2008 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2010

Made - - - -	*24 March 2010*
Laid before the National Assembly for Wales - -	*26 March 2010*
Coming into force - -	*19 April 2010*

The Welsh Ministers, in exercise of the powers conferred by sections 161(3) and (4), 167(2) and section 170(3) of the Health and Social Care Act 2008(**1**), and after consultation with the Secretary of State in accordance with section 172(4) of that Act, make the following order:

Citation, interpretation and application

1.—(1) The title of this Order is the Health and Social Care Act 2008 (Commencement No. 2 and Transitional Provisions) (Wales) Order 2010.

(2) In this Order—

"1948 Act" ("*Deddf 1948*") means the National Assistance Act 1948 (**2**);

"1970 Act" ("*Deddf 1970*") means the Chronically Sick and Disabled Persons Act 1970 (**3**);

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

"appointed day" ("*diwrnod penodedig*") has the meaning given in article 2;

"NHS accommodation" ("*llety'r GIG*") has the meaning given by section 24(6A) of the 1948 Act (**4**);

"non-hospital NHS accommodation" ("*llety'r GIG nad yw'n ysbyty*") means NHS accommodation which is not at a hospital vested in either —

(a) the Secretary of State,

(**1**) 2008 c. 14.
(**2**) 1948 c. 29.
(**3**) 1970 c. 44.
(**4**) Section 24(6A) is inserted by section 148(1) of the 2008 Act. "NHS accommodation" is defined as "(a) accommodation (at a hospital or elsewhere) provided under the National Health Service Act 2006 or the National Health Service (Wales) Act 2006, or (b) accommodation provided under section 117 of the Mental Health Act 1983 by a Primary Care Trust or Local Health Board, other than accommodation so provided jointly with a local authority".

(b) a National Health Service Trust established under the National Health Service Act 2006(**5**), the National Health Service (Wales) Act 2006(**6**), or the National Health Service (Scotland) Act 1978(**7**),

(c) a Local Health Board established under the National Health Service (Wales) Act 2006; or,

(d) a Primary Care Trust or an NHS foundation trust established under the National Health Service Act 2006.

(3) This Order applies in relation to Wales.

Appointed day

2. 19 April 2010 is the appointed day for the coming into force of section 148 of the 2008 Act.

Transitional provision

3. The amendments made to section 24 of the 1948 Act (authority liable for provision of accommodation) by section 148(1) do not have effect in relation to a person for whom non-hospital NHS accommodation is being provided immediately before the appointed day so long as that episode of accommodation continues.

4. The amendments made to section 2 of the 1970 Act by section 148(3) of the 2008 Act do not have effect in relation to a question arising under section 2 of the 1970 Act as to a person's ordinary residence in a case where, on the appointed day, the question is the subject of court proceedings.

Gwenda Thomas
Deputy Minister for Social Services, under authority of the Minister for Health and Social Services, one of the Welsh Ministers

24 March 2010

(**5**) 2006 c. 41.
(**6**) 2006 c. 42.
(**7**) 1978 c. 29.