WELSH STATUTORY INSTRUMENTS

2007 No. 204 (W.18) (C.9)

PUBLIC HEALTH, WALES

The Health Act 2006 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2007

Made - - - - 30 January 2007

The National Assembly for Wales makes this Order in exercise of the powers conferred by section 79(3), 83(4), 83(5)(c), (d), (e), (f), (g) and (8) of the Health Act 2006(**1**).

Title, application and interpretation

1.—(1) The title of this Order is The Health Act 2006 (Commencement No.1 and Transitional Provisions) (Wales) Order 2007.

(2) This Order applies in relation to Wales.

(3) In this Order —

"the Act" ("*y Ddeddf*") means the Health Act 2006;

"the 1977 Act" ("*Deddf 1977*") means the National Health Service Act 1977(**2**); and

"Welsh NHS bodies" ("*cyrff y GIG yng Nghymru*") has the meaning given by paragraph 2 of Schedule 12B to the 1977 Act to be inserted by Schedule 3 to the Act.

Appointed day for provisions relating to smoke-free premises, places and vehicles

2. 2 April 2007 is the day appointed for the coming into force of the following provisions of the Act —

(a) sections 1 to 3, 5 to 8, 10 and 12 and Schedule 1 so far as they are not already in force (**3**);

(b) sections 9 and 11 and Schedule 2; and

(c) sections 76, 77 and 78 so far as they relate to offences under Chapter 1 of Part 1.

(**1**) 2006 c. 28.
(**2**) 1977 c. 49.
(**3**) By virtue of section 83(1)(e) of the Health Act 2006 these provisions came into force on the day on which the Act was passed so far as the provisions confer power to make an order or regulations, or define any expression relevant to the exercise of any such power.

Appointed day for provisions relating to the counter fraud functions of the National Assembly for Wales in relation to the health service in Wales and to offences committed in relation to those functions

3. 1 February 2007 is the day appointed for the coming into force of the following provisions of the Act so far as they relate to the National Assembly for Wales' counter fraud functions in relation to the health service in Wales or to offences committed in relation to those functions —

(a) sections 48 and 55 so far as they are not already in force(**4**);

(b) sections 44, 45, 46, 47, 49, 50, 51, 52, 53 and 54; and

(c) sections 76, 77 and 78 so far as they relate to offences under Chapter 3 of Part 4.

Appointed day for provisions relating to audit

4. 1 February 2007 is the day appointed for the coming into force of the following provisions of the Act, so far as they relate to Welsh NHS bodies —

(a) section 56 and Schedule 3;

(b) paragraphs 24(a), 43, 44 and 62 of Schedule 8, and section 80(1) in so far as it relates to those provisions;

(c) in Schedule 9 —

(i) paragraph 21 of Schedule 5 to the National Health Service Reform and Health Care Professions Act 2002(**5**);

(ii) paragraph 2 of Schedule 2 to the Public Audit (Wales) Act 2004(**6**);

(iii) article 2 of the Regulatory Reform (National Health Service Charitable and Non-Charitable Trust Accounts and Audit) Order 2005(**7**); and

(d) section 80(2) in so far as it relates to the repeals or revocations specified in paragraph (c).

Transitional provisions relating to audit

5.—(1) In relation to Welsh NHS bodies, notwithstanding the substitution, of section 98 of the 1977 Act by section 56 of the Act —

(a) section 98 of the 1977 Act;

(b) section 144(2) of the Government of Wales Act 1998(**8**);

(c) section 14 of the Government Resources and Accounts Act 2000(**9**); and

(d) section 61(1) of the Public Audit (Wales) Act 2004(**10**);

as in force on 31 January 2007 will apply as regards accounts kept by the bodies listed in section 98(1) in relation to the financial year ending 31 March 2007 (accordingly, the arrangements set out in the new Schedule 12B of the 1977 Act will apply in relation to each subsequent financial year) and as regards outstanding matters relating to earlier financial years.

(**4**) By virtue of section 83(1)(e) of the Health Act 2006 these provisions came into force on the day on which the Act was passed so far as the provisions confer power to make an order or regulations, or define any expression relevant to the exercise of any such power.
(**5**) 2002 c. 17.
(**6**) 2004 c. 23.
(**7**) S.I.2005/1074.
(**8**) 1998 c. 38.
(**9**) 2000 c. 20.
(**10**) 2004 c. 23.