WELSH STATUTORY INSTRUMENTS

2006 No. 345 (W.42) (C.8)

NATIONAL HEALTH SERVICE, WALES

The Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 4) Order 2006

Made - - - - 14 February 2006

The National Assembly for Wales, in exercise of the powers conferred by section 195(1) and 199(1) of the Health and Social Care (Community Health and Standards) Act 2003(**1**), makes the following Order:

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 4) Order 2006.

(2) In this Order—

"the Act" means the Health and Social Care (Community Health and Standards) Act 2003; and

"the 1977 Act" means the National Health Service Act 1977(**2**).

(3) This Order applies in relation to Wales.

Appointed days for provisions relating to primary dental services

2.—(1) 15 February 2006 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 179(1) in so far as it is not in force;

(b) in Schedule 11, paragraph 39 in so far as it inserts the definition of "primary dental services" into section 128(1) of the 1977 Act, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph;

(c) section 170 in so far as it relates to the insertion of section 16CA(2) and (4) into the 1977 Act;

(d) for the purposes of making regulations, section 171(1) in so far as it inserts section 16CB(2) into the 1977 Act; and

(e) section 180 in so far as it is not already in force.

(**1**) 2003 c. 43. *See* section 199(2) for the definition of the appropriate appointing authority in relation to commencement orders.
(**2**) 1977 c. 49.

(2) 1 April 2006 is the appointed day for the coming into force of the following provisions of the Act—

(a) section 170 in so far as it is not already in force;

(b) section 171(1) in so far as it relates to the insertion of section 16CB(2), (3) and (5) into the 1977 Act, and in so far as it is not already in force; and

(c) section 171(2).

Appointed days for provisions relating to general dental services contracts

3.—(1) 15 February 2006 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 172(1);

(b) section 173 in so far as it is not already in force;

(c) section 182(2); and

(d) paragraph 39 of Schedule 11 in so far as it is not already in force, and section 184 and paragraph 7 of that Schedule in so far as they relate to that paragraph.

(2) 1 April 2006 is the day appointed for the coming into force of section 172(2) of the Act.

Appointed days in relation to section 28C arrangements

4.—(1) 15 February 2006 is the day appointed for the coming into force of the following provisions of the Act in so far as they relate to dental services—

(a) section 177(1) to (11);

(b) paragraphs 14 and 15 of Schedule 11, and section 184 and paragraph 7 of that Schedule in so far as they relate to those paragraphs; and

(c) the entries in Schedule 14 relating to sections 28C(3)(b) and (7), 28D(2), 28DA, 28E(2)(b) and the words following that paragraph, and 28E(3)(k) and (6) of the 1977 Act and section 196 in so far as it relates to those entries.

(2) 1 April 2006 is the day appointed for the coming into force of the following provisions of the Act to the extent they relate to dental services in so far as not already in force—

(a) section 177; and

(b) section 178.

Appointed days in relation to charges for dental services

5.—(1) For the purposes of making regulations, 15 February 2006 is the day appointed for the coming into force of section 183 of the Act.

(2) 1 April 2006 is the day appointed for the coming into force of section 183 of the Act in so far as it is not already in force.

Consequential amendments relating to primary dental services, general dental services, and section 28C arrangements

6.—(1) 1 April 2006 is the day appointed for the coming into force of the provisions of Schedule 11 to the Act referred to in paragraph (2) to the extent they relate to dental services in so far as not already in force and section 184 and paragraph 7 of that Schedule in so far as it relates to those provisions.

(2) In Schedule 11—

(a) paragraphs 2 and 3;

(b) paragraph 11;

(c) paragraphs 17 to 20;

(d) paragraph 21(5) in so far as it omits section 44(3)(c) and (d) and (5) and paragraph 21(1) in so far as it relates to those provisions;

(e) paragraph 22(3)(b) and paragraph 22(1) in so far as it relates to that provision;

(f) paragraph 24(b);

(g) paragraphs 28 to 31;

(h) paragraph 36(b);

(i) paragraph 45 in relation to paragraph 6A(2)(b) of Schedule 12A to the 1977 Act;

(j) paragraph 46(1), (2)(b), (3)(b) and (c);

(k) paragraph 50;

(l) paragraph 66;

(m) paragraph 67(b);

(n) paragraph 68 ; and

(o) paragraph 72 and paragraph 69 in so far as it relates to that provision.

Repeals relating to primary dental services, general dental services and section 28C arrangements

7.—(1) 1 April 2006 is the day appointed for the coming into force of the repeals of the enactments mentioned in Part 4 of Schedule 14 to the Act referred to in paragraph (2) to the extent they relate to dental services in so far as not already in force and section 196 in so far as it relates to those enactments.

(2) The enactments specified for the purposes of paragraph (1) are—

(a) in the 1977 Act, sections 5(1A), 28G, 35, 36, 43ZA(3)(b), 43D(10)(b), 44(3)(c) and (d) and (5), 45(1)(b), 49F(1)(c), 49H(1)(a), 56(b), 72(5)(a), 78, 81(b), 82(b), 83(b), 103(1)(a), 128(1), Schedule 1 and Schedule 12;

(b) the Health Services Act 1980(**3**);

(c) the Health and Social Services and Social Security Adjudications Act 1983 in relation to section 15(a)(**4**);

(d) the Dentists Act 1984(**5**);

(e) the Health and Social Security Act 1984(**6**);

(f) the Health and Medicines Act 1988 in relation to section 8(1)(b) and section 17(1) in so far as it relates to section 36 of the 1977 Act and Schedule 2, paragraphs 4 to 6, 7(1) and (2) and 8(2) and (3)(**7**);

(g) the National Health Service and Community Care Act 1990 in relation to section 24(**8**);

(h) the Health Authorities Act 1995 in relation to paragraphs 24 and 25 of Schedule 1(**9**);

(**3**) 1980 c. 53.
(**4**) 1983 c. 41.
(**5**) 1984 c. 24.
(**6**) 1984 c. 48.
(**7**) 1988 c. 49.
(**8**) 1990 c. 19.
(**9**) 1995 c. 17.

(i) in the National Health Service (Primary Care) Act 1997, Part 1, sections 24(1), 40(1) and (3) and Schedule 2, paragraphs 12, 16 to 19, 24, 25 and 72(**10**);

(j) the Health Act 1999 in relation to section 9(3), section 10(1), section 11(2) in so far as it inserted section 44(B1) into the 1977 Act, section 39(3) and section 61(2)(**11**);

(k) the Freedom of Information Act 2000 in relation to Schedule 1 paragraphs 44 and 45(**12**));

(l) the Health and Social Care Act 2001 in relation to section 20(4), section 22 (1), (2), (3) and (5), section 23(3), section 26, section 41(1) and Schedule 5 paragraph 5(7), 11(2) and 12(2)(**13**)); and

(m) the National Health Service Reform and Health Care Professions Act 2002 in relation to section 4(1), Schedule 2 paragraphs 10(1) and (2) and Schedule 3 paragraphs 2(1) and (3)(**14**)).

Amendment of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004

8. In article 6 of the Health and Social Care (Community Health and Standards) Act 2003 (Commencement No. 1) (Wales) Order 2004(**15**), for paragraph (1) substitute—

"(1) The following transitional provisions will apply until 1 April 2006.".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**16**)

John Marek
The Deputy Presiding Officer of the National Assembly

14 February 2006

(**10**) 1997 c. 46.
(**11**) 1999 c. 8.
(**12**) 2000 c. 36.
(**13**) 2001 c. 15.
(**14**) 2002 c. 17.
(**15**) S.I. 2004/480 (W.49).
(**16**) 1998 c. 38.