WELSH STATUTORY INSTRUMENTS

2005 No. 3285 (W.249) (C.140)

NATIONAL HEALTH SERVICE, WALES
PUBLIC HEATH, WALES
SOCIAL CARE, WALES

The Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 3) Order 2005

Made - - - -	*29 November 2005*
Coming into force - -	*30 December 2005*

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

Title and interpretation

1.—(1) The title of this Order is the Health and Social Care (Community Health and Standards) Act 2003 Commencement (Wales) (No. 3) Order 2005.

(2) In this Order, "the 2003 Act" means the Health and Social Care (Community Health and Standards) Act 2003.

Appointed days

2.—(1) In relation to Wales 30 December 2005 is the day appointed for section 117 of the Act to come into force.

(2) 1 April 2006 is the day appointed for the following provisions of the 2003 Act to come into force—

(a) sections 114(3) and (4) in relation to Wales and in so far as they are not already in force(**2**);

(b) section 116(2); and

(c) sections 107, 114(5), 115(1), (2), (4), (5) and (6) and 116(3) in relation to Wales.

(**1**) 2003 c. 43. The powers are conferred upon the appropriate authority. See section 199(2) for the definition of "appropriate authority" for the purposes of section 199(1).

(**2**) *See* section 199(4) of the 2003 Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

D. Elis-Thomas
29 November 2005 The Presiding Officer of the National Assembly

(**3**) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third commencement order made by the National Assembly for Wales under the Health and Social Care (Community Health and Standards) Act 2003 ("the Act"). It brings certain provisions of the Act connected to Wales into force on either 30 December 2005 or 1 April 2006, as specified.

Article 2(1) brings into force on 30 December section 117 of the Act which extends the duty on local authorities in respect of consideration of representations to those made about special guardianship support services.

Article 2(2)(a) brings into force parts of sections 114 and 115 which make provision in relation to regulations which may be made by the Assembly about the handling and consideration of complaints about social services.

Article 2(2)(b) commences section 116(2) which inserts section 26ZB into the Children Act 1989.

Article 2(c) commences in relation to Wales, section 107, which inserts a children's home providing secure accommodation into the definition of establishments in the Care Standards Act 2000. It also commences, in relation to Wales, section 116(3) which inserts section 26(2A) into the Children Act 1989 extending the requirement on local authorities to provide assistance for persons making representations under section 24D or 26 of that Act to further consideration of those representations.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Health and Social Care (Community Health and Standards) Act 2003 listed in the table below have been brought into force in Wales by commencement orders made before the date of this Order. The provisions commenced by SI 2003/3346 and SI 2004/759 have been commenced in relation to England and Wales. The provisions commenced by SI 2004/480 (W.49) and 2004/873 (W.88) have been commenced in relation to Wales.

Provision	*Date of Commencement*	*S.I. No.*
Section 1	1.4.2004	2004/759
Sections 2 to 4	1.1.2004	2003/3346
Sections 5 to 20	1.4.2004	2004/759
Sections 22 to 35	1.4.2004	2004/759
Section 36	1.1.2004	2003/3346
Sections 37 to 39	1.4.2004	2004/759
Section 40	1.1.2004	2003/3346
Section 41	8.1.2004	2003/3346
Section 43	11.3.2004	2004/759
Section 44	1.4.2004	2004/759
Sections 45 and 46	1.4.2004	2004/759