WELSH STATUTORY INSTRUMENTS

2004 No. 873 (W.88) (C.37)

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

The Health and Social Care (Community Health and Standards) Act 2003 Commencement (No. 2) (Wales) Order 2004

Made - - - -	*23rd March 2004*
Coming into force - -	*1st April 2004*

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:

Citation and interpretation

1.—(1) This Order may be cited as the Health and Social Care (Community Health and Standards) Act 2003 Commencement (No.2) (Wales) Order 2004.

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

Appointed day

2. 1st April 2004 is the day appointed for the following provisions of the 2003 Act to come into force—

(a) section 47;

(b) sections 70 to 75;

(c) except for section 94(6) to (8), the provisions in Chapter 6 of Part 2 of the 2003 Act in so far as they are not already in force(**2**);

(d) sections 109, and 142 to 145;

(**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.

(e) in relation to Wales, sections 106, 108, 111, and section 196 and Part 2 of Schedule 14 in so far as they relate to section 31(6) of the Care Standards Act 2000(**3**).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**4**)

John Marek
The Deputy Presiding Officer of the National Assembly

23rd March 2004

(**3**) 2000 c. 14.
(**4**) 1998 c. 38.

EXPLANATORY NOTE

(This note is not part of the Regulations)

This is the second 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 1st April 2004.

Article 2(a) brings into force section 47 of the Act which allows the Assembly to prepare and publish statements of standards in relation to the provision of health care by and for Welsh NHS bodies.

Article 2(b) commences Chapter 4 of Part 2 of the Act which provides for the Assembly to conduct reviews of and investigations into the provision of health care by and for Welsh NHS bodies and which confers upon the Assembly rights of entry and powers to require information and explanations in connection with such reviews and investigations.

Article 2(c) commences Chapter 6 of Part 2 of the Act, which provides for the National Assembly to conduct reviews, investigations and inspections into the way in which Welsh local authorities discharge their social services functions.

Article 2(d) commences other provisions of the Act concerning Wales. These are: (i) section 109, which requires the Assembly to have particular regard to the need to safeguard and promote children's rights and welfare in the exercise of its social care regulatory and inspection functions; (ii) section 142, which requires the Assembly to publish annual reports about its social and health care regulatory and inspection functions; (iii) section 143, which empowers the Assembly to use information obtained in the exercise of one of its social or health care regulatory or inspection functions for the purposes of another of those functions; (iv) section 144 which makes provision about health or social care inquiries held under the Government of Wales Act 1998; and (v) section 145, which requires the Assembly and the Commission for Healthcare Audit and Inspection to co-operate with each other.

Article 2(e) commences certain provisions of the Act in relation to Wales. These are: (i) section 106, which clarifies the definition of "independent medical agency" in the Care Standards Act 2000; (ii) section 108, which amends the powers of inspection provisions of the Care Standards Act 2000; and (iii) section 111, which amends the Children Act 1989 so as to require reports to be published following inspections of boarding schools and colleges.

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 by commencement orders made before the date of this Order. Except where indicated 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 2004/288 have been commenced in relation to England. The provisions commenced by SI 2004/480 (W.49) 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

Provision	*Date of Commencement*	*S.I. No.*
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 42 as to England	1.1.2004	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
Sections 48 and 49	1.4.2004	2004/759
Section 50(1) (partially)	1.4.2004	2004/759
Section 50(1) (partially)	1.4.2006	2004/759
Section 50(2) and (3)	1.4.2005	2004/759
Section 50(4)	1.4.2006	2004/759
Section 50(5)	1.4.2004	2004/759
Section 51(1) to (3) and (6)	1.4.2004	2004/759
Section 51(4)	1.4.2005	2004/759
Section 52(1) to (4), (6) and (7)	1.4.2004	2004/759
Section 52(5)	1.4.2005	2004/759
Sections 53 to 57	1.4.2004	2004/759
Sections 60 and 61	1.4.2004	2004/759
Sections 64 to 68	1.4.2004	2004/759
Sections 76 to 84 as to England	1.4.2004	2004/759
Sections 87 to 91 as to England	1.4.2004	2004/759
Section 102	1.4.2004	2004/759
Section 103	1.4.2004	2004/759
Section 104 as to England	1.4.2004	2004/759
Section 106	1.4.2004	2004/759
Section 108	1.4.2004	2004/759
Section 110 as to England	1.4.2004	2004/759
Section 111	1.4.2004	2004/759
Section 112 as to England	11.3.2004	2004/759
Sections 118 and 119	1.6.2004	2004/759

Provision	*Date of Commencement*	*S.I. No.*
Section 120 and 121	1.4.2004	2004/759
Section 123	1.4.2004	2004/759
Section 124	1.4.2004	2004/759
Section 125 as to England	1.4.2004	2004/759
Section 126	1.4.2004	2004/759
Section 127 as to England	1.4.2004	2004/759
Section 128	1.4.2004	2004/759
Section 129 as to England	1.4.2004	2004/759
Section 130	1.4.2004	2004/759
Section 131 as to England	1.4.2004	2004/759
Section 132	1.4.2004	2004/759
Section 133 as to England	1.4.2004	2004/759
Section 134	1.4.2004	2004/759
Section 135 as to England	1.4.2004	2004/759
Section 136 to 138	1.4.2004	2004/759
Section 139 as to England	1.4.2004	2004/759
Section 140	1.4.2004	2004/759
Section 141 as to England	1.4.2004	2004/759
Section 146	1.4.2004	2004/759
Section 147 as to England (partially)	1.1.2004	2003/3346
Section 147 (partially)	8.1.2004	2003/3346
Section 147 as to England (partially)	1.3.2004	2004/288
Section 147 as to England (partially)	11.3.2004	2004/759
Section 147 as to England (partially)	1.4.2004	2004/288
Section 147 as to England (partially)	1.4.2004	2004/759
Section 147 (partially)	1.4.2004	2004/759
Section 147 (partially)	1.6.2004	2004/759
Section 148	1.1.2004	2003/3346
Section 174 as to Wales (partially)	28.2.2004	2004/480
Section 174 as to Wales (partially)	1.4.2004	2004/480