STATUTORY INSTRUMENTS

2015 No. 409 (C. 23)

HEALTH CARE AND ASSOCIATED PROFESSIONS NATIONAL HEALTH SERVICE, ENGLAND

The Health and Social Care Act 2012 (Commencement No. 9) Order 2015

Made - - - - 26th February 2015

The Secretary of State for Health makes the following Order in exercise of the powers conferred by section 306 of the Health and Social Care Act 2012(**1**).

Citation

1. This Order may be cited as the Health and Social Care Act 2012 (Commencement No. 9) Order 2015.

Commencement of provisions

2. Insofar as they are not already in force(**2**), the day appointed for the coming into force of sections 224 and 225 of the Health and Social Care Act 2012 is 16th March 2015.

(**1**) 2012 c. 7.

(**2**) *See* section 306(1) of the Health and Social Care Act 2012 (c. 7) ("the Act") for the provisions which came into force on the day the Act was passed, and S.I. 2012/1319 (C. 47), 2012/1831 (C. 71), 2012/2657 (C. 107), 2013/160 (C. 9), 2013/671 (C. 28), 2013/2896 (C. 117), 2014/39 (C. 2) and 2014/1454 (C. 57) for provisions of the Act which came into force by Order on earlier dates.

Signed by authority of the Secretary of State for Health.

Norman Lamb
Minister of State,
Department of Health

26th February 2015

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force sections 224 and 225 of the Health and Social Care Act 2012 (c.7) ("the Act"). It is the ninth such Order to be made under the Act.

Article 2 brings into force the following provisions of sections 224 and 225 of the Act—

(a) Section 224(1), which inserts a new section 25A into the National Health Service Reform and Health Care Professions Act 2002 (c. 17) ("the 2002 Act") to require the Privy Council to impose on the regulatory bodies overseen by the Professional Standards Authority for Health and Social Care ("the Authority") such periodic fees as the Privy Council determines in accordance with that section;

(b) Section 224(2), which amends the definition of "group of sections" in section 25(5) of the 2002 Act to reflect the insertion of the new section 25A;

(c) Section 224(3), which inserts new provisions into section 38 of the 2002 Act subjecting regulations made by the Privy Council under section 25A to parliamentary control under the negative resolution procedure in the Westminster Parliament and, where they contain matters which fall within the legislative competence of the Scottish Parliament, the Scottish Parliament;

(d) Section 224(4), which amends paragraph 14 of Schedule 7 to the 2002 Act, enabling the Authority to borrow money in connection with its functions;

(e) Section 225(1), which inserts a new section 25B into the 2002 Act, giving the Authority the power to provide advice or auditing services to regulatory bodies and requiring payment by them of such fee as the Authority may determine;

(f) Section 225(2), which confers on the Privy Council the power vested in the Secretary of State under section 28(1) of the 2002 Act to make regulations about investigations by the Authority of complaints made to it; and

(g) Section 225(3), which modifies section 38(2) of the 2002 Act with the effect that any regulations made under section 28 of the 2002 Act may be subject to annulment by way of a resolution of either House of Parliament.

A full impact assessment has not been produced for this instrument as this Order itself has no impact on the private sector or civil society organisations. A full Impact Assessment has been produced in relation to the provisions of the Act, including provisions that are commenced by this Order, and a copy is available at https://www.gov.uk/government/publications/health-and-social-care-bill-2011-combined-impact-assessments.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Health and Social Care Act 2012 have been brought into force by commencement orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 1 (partially)	1st October 2012	S.I. 2012/1831

Provision	*Date of Commencement*	*S.I. No.*
Section 1 (remainder)	1st April 2013	S.I. 2013/160
Sections 2 to 7	1st April 2013	S.I. 2013/160
Section 8	1st June 2012	S.I. 2012/1319
Section 9 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 9 (remainder)	1st April 2013	S.I. 2013/160
Section 10 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 10 (remainder)	1st April 2013	S.I. 2013/160
Sections 11 and 12	1st April 2013	S.I. 2013/160
Section 13 (partially)	1st February 2013	S.I. 2012/2657
Section 13 (remainder)	1st April 2013	S.I. 2013/160
Section 14 (partially)	1st February 2013	S.I. 2012/2657
Section 14 (remainder)	1st April 2013	S.I. 2013/160
Section 15	1st February 2013	S.I. 2012/2657
Section 16	1st April 2013	S.I. 2013/160
Section 17 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 17 (remainder)	1st April 2013	S.I. 2013/160
Sections 18 and 19	1st April 2013	S.I. 2013/160
Section 20	1st February 2013	S.I. 2012/2657
Section 21	1st October 2012	S.I. 2012/1831
Section 22 (partially)	1st October 2012	S.I. 2012/1831
Section 22 (remainder)	1st April 2013	S.I. 2013/160
Section 23 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 23 (remainder)	1st April 2013	S.I. 2013/160
Section 24 (partially)	1st October 2012	S.I. 2012/1831
Section 24 (remainder)	1st April 2013	S.I. 2013/160
Section 25 (partially)	1st October 2012	S.I. 2012/1831
Section 25 (remainder)	1st April 2013	S.I. 2013/160
Section 26 (partially)	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Section 26 (remainder)	1st April 2013	S.I. 2013/160

Provision	*Date of Commencement*	*S.I. No.*
Section 27 (partially)	1st October 2012	S.I. 2012/1831
Section 27 (remainder)	1st April 2013	S.I. 2013/160
Section 28	1st April 2013	S.I. 2013/160
Sections 29 to 34	1st April 2013	S.I. 2013/160
Section 35 (partially), in relation to England only	1st April 2013	S.I. 2013/160
Section 36, in relation to England only	1st April 2013	S.I. 2013/160
Section 37, in relation to England only	1st April 2013	S.I. 2013/160
Section 38	1st April 2013	S.I. 2013/160
Section 39	1st July 2012	S.I. 2012/1319
Section 40 (partially)	1st February 2013	S.I. 2012/2657
Section 40 (remainder)	1st April 2013	S.I. 2013/160
Section 41	1st April 2013	S.I. 2013/160
Section 42	1st July 2012	S.I. 2012/1319
Section 43	1st April 2013	S.I. 2013/160
Section 44	1st July 2012	S.I. 2012/1319
Sections 45 to 54	1st April 2013	S.I. 2013/160
Section 55 (partially)	1st July 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Sections 56 to 58	1st April 2013	S.I. 2013/160
Section 59	1st July 2012	S.I. 2012/1319
Section 60	1st April 2013	S.I. 2013/160
Section 61 (partially)	1st July 2012	S.I. 2012/1319
Section 61 (remainder)	1st November 2012	S.I. 2012/2657
Section 62 (partially)	1st November 2012	S.I. 2012/2657
Section 62 (remainder)	1st April 2013	S.I. 2013/160
Section 63	1st November 2012	S.I. 2012/2657
Section 64 (partially)	1st June 2012	S.I. 2012/1319
	1st July 2012	S.I. 2012/1319
Section 64 (remainder)	1st November 2012	S.I. 2012/2657
Section 66 (partially)	1st November 2012	S.I. 2012/2657
Section 66 (remainder)	1st April 2013	S.I. 2013/671
Section 67 (partially)	1st November 2012	S.I. 2012/2657