

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2004 No. (W.) (C.)

SOCIAL SERVICES, WALES

**NATIONAL HEALTH
SERVICE, WALES**

**The Health and Social Care Act
2001 (Commencement No. 7)
(Wales) Order 2004**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the seventh Commencement Order made under the Health and Social Care Act 2001 (“the 2001 Act”) solely in relation to Wales.

Article 2 of the Order appoints 1 November 2004 as the day on which section 48, and sections 57 and 58 (in so far as they are not already in force), of the 2001 Act come into force in relation to Wales.

Section 48 inserts provisions into the Health Act 1999 which provide for the National Assembly for Wales to make staff transfer orders in connection with partnership arrangements between Welsh local authorities and NHS bodies made under the 1999 Act.

Section 57 empowers the Assembly to make regulations authorising or requiring Welsh local authorities to make direct payments instead of the direct provision of community care services or services for carers, and makes provision as to the effect of such regulations.

Section 58 inserts a new section 17A into the Children Act 1989 which empowers the Assembly to make regulations authorising or requiring Welsh local authorities to make direct payments instead of the direct provision of services under section 17 of the 1989 Act, and makes provision as to the effect of such regulations.

Article 2 of the Order also brings into force provisions of the 2001 Act that make amendments to,

and repeal, other provisions of primary legislation in consequence of sections 57 and 58 of the 2001 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision of the 2001 Act</i>	<i>Commencement date</i>	<i>S.I. No.</i>
Section 3	1 st July 2002 (partially)	2002/1475 (W.147) (C.41)
Section 5	1 st July 2002	2002/1475
Section 6(3)	24 th January 2004	2004/103 (W.10) (C.6)
Section 11	1 st December 2002	2002/1475
Section 12	31 st January 2004	2004/103
Section 13	17 th March 2003	2003/713 (W.87) (C.36)
Section 16	26 th August 2002	2002/1919 (C.60)
Sections 19 to 26	1 st July 2002	2002/1475
Section 27	26 th August 2002	2002/1919
Sections 28 to 39	1 st July 2002	2002/1475
Sections 41 to 43	1 st July 2002	2002/1475
Section 49	3 rd December 2001 (partially) and 1 st April 2004 (remainder)	2001/3807 (W.315) (C.124) and 2004/103
Section 50(1)	8 th April 2002	2001/3752 (C.122)
Section 50(2) to (10)	19 th December 2001	2001/3807
Sections 51 and 52	8 th November 2001	2001/3752
Sections 53 to 55	1 st April 2003	2003/939 (W.123) (C.50)
Section 67(1) and Schedule 5	1 st April 2002, 1 st July 2002 and 26 th August 2002 (all partially)	2002/1095 (C.26), 2002/1475 and 2002/1919
Section 67(2) and Schedule 6	1 st April 2002, 15 th April 2002, 1 st July 2002 and 26 th August 2002 (all partially)	2002/1095, 2002/1312 (C.36), 2002/1475 and 2002/1919
Schedules 2 and 3	1 st July 2002	2002/1475

The following Orders have commenced provisions of the 2001 Act in relation to England alone: S.I. 2001/2804 (C.95); S.I. 2001/3167 (C.101); S.I. 2001/3294 (C.107); S.I. 2001/3619 (C.117); S.I. 2001/3752 (C.122); S.I. 2001/3738 (C.121); S.I. 2001/4149 (C.133); S.I.

2002/1095 (C.26); S.I. 2002/1312 (C.36); S.I. 2002/2363 (C.77); S.I. 2003/53 (C.3); S.I. 2003/850 (C.46) and S.I. 2003/2245 (C.87).

2004 No. (C.) (W.)

SOCIAL SERVICES, WALES

**NATIONAL HEALTH
SERVICE, WALES**

The Health and Social Care Act
2001 (Commencement No. 7)
(Wales) Order 2004

Made []

The National Assembly for Wales, in exercise of powers conferred by sections 64(6) and 70(2) of the Health and Social Care Act 2001(1), hereby makes the following Order:

Citation, application and interpretation

1. —(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No.7) (Wales) Order 2004 and applies in relation to Wales.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Health and Social Care Act 2001.

Appointed days

2. —(1) The day after that on which this Order is made is the day appointed for section 58 of the Act to come into force in so far as it confers powers to make regulations.

(2) 1 November 2004 is the day appointed for the following provisions of the Act to come into force—

- (a) section 48 and Schedule 4;
- (b) section 57 in so far as it is not already in force(2);

(1) 2001 c.15. The powers are conferred upon the “relevant authority” which section 66 of the 2001 Act defines as the National Assembly for Wales in relation to Wales, and the Secretary of State in relation to England.

(2) See section 70(2)(c) of the 2001 Act.

- (c) section 58 in so far as it is not already in force;
- (d) section 67(1) and paragraph 15(1) of Schedule 5 to the extent that they relate to —
 - (i) paragraph 15(2); and
 - (ii) that part of paragraph 15(3) that inserts the words “making of direct payments to a person in respect of his securing provision of community care services or services to carers”, and the related references to Part 4 of the Act, into Schedule 1 to the Local Authority Social Services Act 1970(3);
- (e) section 67(2) and Part 3 of Schedule 6 in so far as they relate to the entries in Part 3 concerning—
 - (i) the Community Care (Direct Payments) Act 1996(4);
 - (ii) the Carers and Disabled Children Act 2000(5).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(6)

Date

The Presiding Officer of the National Assembly

(3) 1970 c.42.
(4) 1996 c.30; section 1 was amended by section 5 of the Carers and Disabled Children Act 2000 (c.16).
(5) 2000 c.16.
(6) 1998 c.38.