
STATUTORY INSTRUMENTS

2014 No. 39 (C. 2)

NATIONAL HEALTH SERVICE, ENGLAND

**The Health and Social Care Act 2012 (Commencement
No. 7 and Transitory Provision) Order 2014**

Made - - - - 9th January 2014

The Secretary of State for Health makes the following Order in exercise of the powers conferred by sections 304(10) and 306 of the Health and Social Care Act 2012⁽¹⁾.

Citation and interpretation

1. (1) This Order may be cited as the Health and Social Care Act 2012 (Commencement No. 7 and Transitory Provision) Order 2014.

(2) In this Order, “the Act” means the Health and Social Care Act 2012.

Commencement of provisions

2. (1) Insofar as they are not already in force⁽²⁾, the following provisions of the Act are to come into force in accordance with this Order.

(2) 1st March 2014 is the day appointed for the coming into force of—

section 124 (local modifications of prices agreements);

section 125 (local modifications of prices: applications); and

section 126 (applications under section 125: notification of commissioners).

(3) 1st April 2014 is the day appointed for the coming into force of—

section 81 (requirement for health service providers to be licensed);

section 83 (exemption regulations);

section 84 (exemption regulations: supplementary);

section 87 (grant or refusal of licence);

section 90 (right to make representations);

section 91 (notice of decisions);

(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) and 2013/2896 (C.117) for provisions of the Act which came into force by Order on earlier dates.

section 92 (appeals to the Tribunal);
section 96 (limits on Monitor's functions to set or modify licence conditions);
section 104(2)(c) and (d) (power to require documents and information), and (4)(b) insofar as it relates to Monitor's functions under section 144(6) of the Act in respect of a review published pursuant to section 144(3)(b);
section 105 (discretionary requirements);
section 106 (enforcement undertakings);
section 115 (price payable by commissioners for NHS services);
section 117(4) and (5) (the national tariff: further provision);
section 118 (consultation on proposals for the national tariff);
section 119 (consultation: further provision);
section 120 (responses to consultation);
section 121 (determination on reference under section 120);
section 122 (changes following determination on reference under section 120);
section 123 (power to veto changes proposed under section 122);
section 288 (Monitor: duty to co-operate with Care Quality Commission);
section 289 (Care Quality Commission: duty to co-operate with Monitor); and
Schedule 12 (procedure on references under section 120).

Transitory modification in respect of the commencement of sections 124 (local modifications of prices: agreements) and 125 (local modifications of prices: applications) of the Act

3. Until section 115 of the Act comes into force on 1st April 2014—
- (a) section 124(2) of the Act is to be read as if for the words “be earlier” to the end of that subsection, there is substituted “not be earlier than the date section 115(1) comes into force.”; and
 - (b) section 125(5) of the Act is to be read as if for the words “be earlier” to the end of that subsection, there is substituted “not be earlier than the date section 115(1) comes into force.”.

Signed by authority of the Secretary of State for Health.

9th January 2014

Daniel Poulter
Parliamentary Under-Secretary of State
Department of Health

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Health and Social Care Act 2012 (c. 7) (“the Act”). It is the seventh such Order to be made under the Act.

Article 2(2) brings into force sections 124, 125 and 126 of the Act on 1st March 2014, which together concern Monitor’s powers where an agreement or where no agreement can be reached to a modification of prices payable in accordance with the national tariff.

Article 2(3) also brings into force the following provisions of the Act on 1st April 2014—

- (a) the remainder of sections 81 and 87 and the whole of sections 83 and 84 which relate to Monitor’s regulatory functions in relation to the licensing of health service providers;
- (b) the remainder of sections 90, 91 and 92 which relate to representations, notice and appeals in respect of Monitor refusing or revoking a licence;
- (c) section 96 (remainder) which relates to Monitor’s powers to set or modify licence conditions;
- (d) section 104(2)(c) and (d), and (4)(b) (partially) which concern Monitor’s power to require documents from particular persons in the exercise of its regulatory functions;
- (e) sections 105 (remainder) and 106 (remainder) which relate to Monitor’s powers of enforcement of the licensing regime for providers of health care services for the purposes of the NHS;
- (f) section 115 which relates to how prices are to be determined for the provision of health care services for the purposes of the NHS;
- (g) sections 117(4) and (5), 118 (remainder) and 119 (remainder) which relate to Monitor’s functions in relation to pricing in the national health service;
- (h) sections 120 (remainder), 121(remainder), 122 (remainder) and 123 (remainder) and Schedule 12 (remainder) which relate to Monitor’s functions in relation to the pricing of health care services for the purposes of the NHS; and
- (i) sections 288 (remainder) and 289 (remainder) which make provision in relation to Monitor’s and the Care Quality Commission’s duties to co-operate.

Article 3 makes transitory modifications to sections 124 and 125 of the Act from 1st March 2014 to the time when section 115 comes into force, which is on 1st April 2014, as local modifications of prices cannot take effect until the national tariff which sets out the determined price payable for health care services is in force.

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>.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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:

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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
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
Section 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
Section 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

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
	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
Section 67 (remainder)	1st April 2013	S.I. 2013/671
Section 68 (partially)	1st November 2012	S.I. 2012/2657
Section 68 (remainder)	1st April 2013	S.I. 2013/671
Section 69	1st April 2013	S.I. 2013/671
Section 70	1st November 2012	S.I. 2012/2657
Section 71	1st November 2012	S.I. 2012/2657
Sections 72 and 73	1st April 2013	S.I. 2013/160
Section 74 (partially)	1st April 2013	S.I. 2013/160
Section 74 (remainder)	1st April 2013	S.I. 2013/671
Sections 75 to 77	1st April 2013	S.I. 2013/160
Section 78	1st February 2013	S.I. 2012/2657
Section 79	1st July 2012	S.I. 2012/1319
Section 80	1st April 2013	S.I. 2013/160
Section 81 (partially)	1st April 2013	S.I. 2013/671
Section 82	1st April 2013	S.I. 2013/671
Sections 85 to 87 (partially)	1st April 2013	S.I. 2013/671
Section 85 (remainder)	1st January 2014	S.I. 2013/2896
Section 86 (remainder)	1st January 2014	S.I. 2013/2896
Sections 88 and 89	1st April 2013	S.I. 2013/671
Sections 90 to 92 (partially)	1st April 2013	S.I. 2013/671
Section 93	1st April 2013	S.I. 2013/671
Section 94 (partially)	1st November 2012	S.I. 2012/2657
Section 94 (remainder)	1st April 2013	S.I. 2013/671
Section 95 (partially)	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/671
Section 95 (remainder)	1st July 2013	S.I. 2013/671
Section 96 (partially)	1st November 2012	S.I. 2012/2657
	1st July 2013	S.I. 2013/671
Section 97 (partially)	1st November 2012	S.I. 2012/2657

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 97 (remainder)	1st April 2013	S.I. 2013/671
Section 98 (partially)	1st November 2012	S.I. 2012/2657
Section 98 (remainder)	1st April 2013	S.I. 2013/671
Section 99	1st April 2013	S.I. 2013/671
Section 100	1st July 2013	S.I. 2013/671
Section 101 (partially)	1st November 2012	S.I. 2012/2657
Section 101 (remainder)	1st July 2013	S.I. 2013/671
Section 102	1st April 2013	S.I. 2013/671
Section 103 (partially)	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/671
Section 103 (remainder)	1st July 2013	S.I. 2013/671
Section 104 (partially)	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
	1st April 2013	S.I. 2013/671
	1st December 2013	S.I. 2013/2896
Section 105 (partially)	1st April 2013	S.I. 2013/671
	1st July 2013	S.I. 2013/671
Section 106 (partially)	1st April 2013	S.I. 2013/671
Section 107 (partially)	1st April 2013	S.I. 2013/671
Section 107 (remainder)	1st July 2013	S.I. 2013/671
Section 108 (partially)	1st November 2012	S.I. 2012/2657
Section 108 (remainder)	1st April 2013	S.I. 2013/671
Sections 109 to 114	1st April 2013	S.I. 2013/671
Section 116 (partially)	1st April 2013	S.I. 2013/160
Section 116 (remainder)	1st December 2013	S.I. 2013/2896
Section 117 (partially)	1st April 2013	S.I. 2013/160
	1st December 2013	S.I. 2013/2896
Section 118 (partially)	1st April 2013	S.I. 2013/160
Section 119 (partially)	1st April 2013	S.I. 2013/160
Sections 120 to 123 (partially)	1st September 2013	S.I. 2013/671
Section 127	1st December 2013	S.I. 2013/2896
Section 144 (partially)	1st November 2012	S.I. 2012/2657
Section 147 (partially)	1st October 2012	S.I. 2012/1831
Section 147 (remainder)	1st April 2013	S.I. 2013/160

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Section 148 (partially)	1st November 2012	S.I. 2012/2657
Section 148 (remainder)	1st April 2013	S.I. 2013/671
Section 149	1st November 2012	S.I. 2012/2657
Section 150 (partially)	1st July 2012	S.I. 2012/1319
	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Section 151 (partially)	1st October 2012	S.I. 2012/1831
	1st April 2013	S.I. 2013/160
Sections 152 and 153	1st April 2013	S.I. 2013/160
Section 154	1st October 2012	S.I. 2012/1831
Section 156 (partially)	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/671
Section 157	1st April 2013	S.I. 2013/160
Section 158	1st October 2012	S.I. 2012/1831
Section 159 (partially)	1st April 2013	S.I. 2013/671
Section 160	1st July 2012	S.I. 2012/1319
Sections 161 and 162	1st April 2013	S.I. 2013/160
Section 163 (partially)	1st April 2013	S.I. 2013/160
	1st April 2013	S.I. 2013/671
Section 164 (partially)	1st October 2012	S.I. 2012/1831
Section 164 (remainder)	1st April 2013	S.I. 2013/671
Section 165	1st October 2012	S.I. 2012/1831
Section 166	1st November 2012	S.I. 2012/2657
Section 167	1st April 2013	S.I. 2013/160
Sections 168 to 172	1st April 2013	S.I. 2013/671
Section 173 (partially)	1st November 2012	S.I. 2012/2657
Section 173 (remainder)	1st April 2013	S.I. 2013/671
Sections 174 to 178	1st November 2012	S.I. 2012/2657
Section 181 (partially)	1st October 2012	S.I. 2012/1831
Section 181 (remainder)	1st April 2013	S.I. 2013/160
Sections 182 to 189	1st April 2013	S.I. 2013/160
Section 190(1) to (8) and (10)	1st April 2013	S.I. 2013/160
Sections 191 to 200	1st April 2013	S.I. 2013/160
Section 201	1st July 2012	S.I. 2012/1319

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 202 to 206	1st April 2013	S.I. 2013/160
Section 207 (partially)	1st July 2012	S.I. 2012/1319
Section 207 (remainder)	1st April 2013	S.I. 2013/160
Sections 209 to 211	1st August 2012	S.I. 2012/1319
Section 212 (partially)	1st October 2012	S.I. 2012/1831
Section 212 (remainder)	1st August 2012	S.I. 2012/1319
Sections 213 to 218	1st August 2012	S.I. 2012/1319
Sections 220 and 221	1st August 2012	S.I. 2012/1319
Section 222	1st December 2012	S.I. 2012/2657
Section 223 (partially)	1st August 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
Section 226 (partially)	1st December 2012	S.I. 2012/2657
Section 227	1st July 2012	S.I. 2012/1319
Sections 228 and 229	1st December 2012	S.I. 2012/2657
Section 230 (partially)	1st August 2012	S.I. 2012/1319
Section 230 (remainder)	1st December 2012	S.I. 2012/2657
Section 231	1st July 2012	S.I. 2012/1319
Sections 232 to 277	1st April 2013	S.I. 2013/160
Section 278	1st July 2012	S.I. 2012/1319
Section 279	31st October 2012	S.I. 2012/1831
Section 280	1st April 2013	S.I. 2013/160
Section 281	1st October 2012	S.I. 2012/1831
Section 282	1st April 2013	S.I. 2013/160
Section 283	1st July 2012	S.I. 2012/1319
Sections 284 to 287	1st April 2013	S.I. 2013/160
Section 288 (partially)	1st July 2012	S.I. 2012/1319
	1st April 2013	S.I. 2013/160
Section 289 (partially)	1st July 2012	S.I. 2012/1319
	1st April 2013	S.I. 2013/671
Section 290 (partially)	1st October 2012	S.I. 2012/1831
Section 290 (remainder)	1st April 2013	S.I. 2013/160
Section 291	1st October 2012	S.I. 2012/1831
Sections 292 and 293	1st April 2013	S.I. 2013/160
Section 294	1st October 2012	S.I. 2012/1831

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Sections 295 and 296 (partially)	1st October 2012	S.I. 2012/1831
Sections 295 and 296 (remainder)	1st April 2013	S.I. 2013/160
Section 297 (partially)	1st February 2013	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Section 298	1st October 2012	S.I. 2012/1831
Section 299	1st June 2012	S.I. 2012/1319
Sections 300 to 302 (partially)	1st July 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
Sections 300 to 302 (remainder)	1st April 2013	S.I. 2013/160
Schedule 1 (partially)	1st October 2012	S.I. 2012/1831
Schedule 1 (remainder)	1st April 2013	S.I. 2013/160
Schedule 2 (partially)	1st October 2012	S.I. 2012/1831
Schedule 2 (remainder)	1st April 2013	S.I. 2013/160
Schedule 3	1st April 2013	S.I. 2013/160
Schedule 4 (partially)	1st July 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
	1st February 2013	S.I. 2012/2657
Schedule 4 (remainder)	1st April 2013	S.I. 2013/160
Schedule 5 (partially)	1st October 2012	S.I. 2012/1831
	1st April 2013	S.I. 2013/160
Schedule 6 (partially)	1st July 2012	S.I. 2012/1319
Schedule 6 (remainder)	1st October 2012	S.I. 2012/1831
Schedule 7	1st April 2013	S.I. 2013/160
Schedule 8	1st November 2012	S.I. 2012/2657
Schedule 9	1st April 2013	S.I. 2013/160
Schedule 10	1st November 2012	S.I. 2012/2657
Schedule 11 (partially)	1st April 2013	S.I. 2013/671
Schedule 11 (remainder)	1st July 2013	S.I. 2013/671
Schedule 12 (partially)	1st September 2013	S.I. 2013/671
Schedule 13 (partially)	1st July 2012	S.I. 2012/1319
	1st November 2012	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Schedule 15 (partially)	1st July 2012	S.I. 2012/1319
	1st August 2012	S.I. 2012/1319

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 15 (remainder)	1st December 2012	S.I. 2012/2657
Schedules 16, 17, 18 and 19	1st April 2013	S.I. 2013/160
Schedule 20, Part 1	1st July 2012	S.I. 2012/1319
Schedule 20, Part 2	31st October 2012	S.I. 2012/1831
Schedule 20, Part 3	1st April 2013	S.I. 2013/160
Schedule 21 (partially)	1st February 2013	S.I. 2012/2657
	1st April 2013	S.I. 2013/160
Schedules 22 and 23 (partially)	1st July 2012	S.I. 2012/1319
	1st October 2012	S.I. 2012/1831
Schedules 22 and 23 (remainder)	1st April 2013	S.I. 2013/160