

**NATIONAL ASSEMBLY FOR WALES**

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STATUTORY INSTRUMENTS

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**2003 No. (W. )**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

**The Health and Social Care Act  
2001 (Commencement No. 5)  
(Wales) Order 2003**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

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

This Order appoints 1<sup>st</sup> April 2003 as the day on which the following sections of the Health and Social Care Act 2001 are to come into force in Wales. The provisions allow for changes to the way that local authorities charge for residential accommodation under Part 3 of the National Assistance Act 1948.

Section 53 gives the National Assembly for Wales the power to make regulations to determine what part of a person’s resources are disregarded in determining whether or not they have a need for accommodation.

Section 54 allows the National Assembly for Wales to make regulations permitting additional payments to be made, by or on behalf of a resident, for accommodation whose cost is more than a local authority would usually expect to pay.

Section 55 allows a local authority to enter into an agreement (“a deferred payment agreement”) with a person who needs accommodation to allow that person not to make payments for the accommodation but to accrue a debt which is secured by way of a charge on the person’s home.

**NOTE AS TO EARLIER COMMENCEMENT  
ORDERS**

*(This note is not part of the Order)*

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. NO.</i>
Section 3	1 <sup>st</sup> July 2002 (partially)	2002/1475
Section 5	1 <sup>st</sup> July 2002	2002/1475
Section 11	1 <sup>st</sup> December 2002	2002/1475
Section 13	17 <sup>th</sup> March 2003	2003/
Section 16	26 <sup>th</sup> August 2002	2002/1919
Section 19 - 26	1 <sup>st</sup> July 2002	2002/1475
Section 27	26 <sup>th</sup> August 2002	2002/1919
Section 28 - 39	1 <sup>st</sup> July 2002	2002/1475
Section 41 - 43	1 <sup>st</sup> July 2002	2002/1475
Section 49	3 <sup>rd</sup> December 2001 (partially)	2001/3807
Section 50(1)	8 <sup>th</sup> April 2002	2001/3752
Section 50(2) to (10)	19 <sup>th</sup> December 2001	2001/3807
Section 51	8 <sup>th</sup> November 2001	2001/3752
Section 52	8 <sup>th</sup> November 2001	2001/3752
Section 67(1) and Schedule 5	1 <sup>st</sup> April 2002, 1 <sup>st</sup> July 2002 and 26 <sup>th</sup> August 2002 (partially)	2002/1095, 2002/1475 and 2002/1919
Section 67(2) and Schedule 6	1 <sup>st</sup> April 2002, 15 <sup>th</sup> April 2002, 1 <sup>st</sup> July 2002 and 26 <sup>th</sup> August 2002 (partially)	2002/1095, 2002/1312, 2002/1475 and 2002/1919
Schedule 2	1 <sup>st</sup> July 2002	2002/1475
Schedule 3	1 <sup>st</sup> July 2002	2002/1475

Various provisions of the 2001 Act have been brought into force in relation to England by the following Statutory Instruments: 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)  
and S.I 2002/2363 (C.77).

**2003 No. (W.)**

**NATIONAL ASSISTANCE  
SERVICES, WALES**

**The Health and Social Care Act  
2001 (Commencement No. 5)  
(Wales) Order 2003**

*Made*

*2003*

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

**Citation, interpretation and application**

**1.**—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No.5) (Wales) Order 2002.

(2) In this Order, the Health and Social Care Act 2001 is referred to as “the Act”.

(3) This Order applies to Wales only.

**Appointed Day**

**2.**The day appointed for the coming into force of the provisions of the Act specified in the Schedule to this Order is 1<sup>st</sup> April 2003.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

2003

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(1) 2001 c.15  
(2) 1998 c.38

SCHEDULE 1 Article 2

PROVISIONS OF THE ACT COMING  
INTO FORCE ON 1 APRIL 2003

<i>Provisions of the Act</i>	<i>Subject matter</i>
Section 53	Disregarding of resources when determining need for residential accommodation
Section 54 in so far as it has not already been brought into force by section 70(2)	Funding by resident etc. of more expensive accommodation
Section 55	Power for local authorities to take charges on land instead of contributions