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## EXPLANATORY NOTE

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

Sections 103, 109, 132, 133 and 134 of the Public Services Reform (Scotland) Act 2010 (“the Act”) came into force on Royal Assent. The Public Services Reform (Scotland) Act 2010 (Commencement No. 1) Order 2010, the Public Services Reform (Scotland) Act 2010 (Commencement No. 2) Order 2010 and the Public Services Reform (Scotland) Act 2010 (Commencement No. 3) Order 2011 brought other provisions of the Act into force on 1st July 2010, 1st August 2010, 1st October 2010, 31st January 2011 and 1st April 2011 (for further detail see the note as to earlier commencement orders).

This Order brings the following provisions into force, insofar as they were not already in force (see the note as to earlier commencement orders), on 1st April 2011:

- (a) Sections 44 to 106; which relate to social care and social work: scrutiny and improvement – in particular they establish the new body Social Care and Social Work Improvement Scotland (“SCSWIS”);
- (b) Sections 108 to 110; which relate to health care: scrutiny and improvement – in particular they establish the new body Health Improvement Scotland (“HIS”). HIS’s functions will initially be limited to independent hospitals and private psychiatric hospitals so their functions relating to the other independent healthcare services are not commenced at this time;
- (c) Section 111 which makes amendments to the Mental Health (Care and Treatment) Act 2003;
- (d) Section 115 to 117 which establishes a new regime for joint inspections of children’s and other services;
- (e) Schedule 11 which makes further provision regarding the establishment of SCSWIS;
- (f) Schedule 12 which provides definitions of various care services;
- (g) Schedule 14, with the exception of paragraph 35(a) (the amendment made in that subparagraph has been superseded by the amendment in article 4 of [S.S.I. 2010/240](#)), which makes modifications to enactments in light of the establishment of SCSWIS;
- (h) Schedule 16 which makes further provision regarding the establishment of HIS;
- (i) Schedule 17 which makes modifications to enactments in light of the establishment of HIS; and
- (j) Schedule 18 which makes modifications to the Mental Health (Care and Treatment) (Scotland) Act 2003 regarding changes to the operation of the Mental Welfare Commission.