

1989 No. 337(C.12)

**NATIONAL HEALTH SERVICE, ENGLAND AND
WALES
NATIONAL HEALTH SERVICE, SCOTLAND
OPTICIANS**

**The Health and Medicines Act 1988 (Commencement
No. 3) Order 1989**

Made - - - - *6th March 1989*

In exercise of powers conferred by section 26(1) of the Health and Medicines Act 1988(a) I hereby make the following Order:-

Citation and interpretation

1.—(1) This Order may be cited as the Health and Medicines Act 1988 (Commencement No. 3) Order 1989.

(2) In this Order -

“the 1977 Act” means the National Health Service Act 1977(b);

“the 1978 Act” means the National Health Service (Scotland) Act 1978(c);

“the 1988 Act” means the Health and Medicines Act 1988.

Days appointed

2.—(1) 7th March 1989 is the day appointed for the coming into force of each provision of the 1988 Act specified in column 1 of Schedule 1 to this Order for the purposes specified in relation to it in column 3 of that Schedule.

(2) 1st April 1989 is the day appointed for the coming into force of -

(a) each provision of the 1988 Act specified in column 1 of Schedule 2 to this Order for the purposes specified in relation to it in column 3 of that Schedule;

(b) section 25(2) of the 1988 Act (repeals) so far as it relates to -

(i) sections 37(a), 78(1) and 79(1)(a) of, and Schedules 12 and 15 to, the 1977 Act,

(ii) sections 4(1), 70(1) and 71(1)(a) of, and Schedules 11 and 16 to, the 1978 Act, and

(iii) paragraph 2 in Part I of, and paragraph 5 in Part II of, Schedule 1 to the Health and Social Security Act 1984(d).

6th March 1989

K. Clarke
One of Her Majesty's Principal Secretaries of State

SCHEDULE 1

Article 2(1)

PROVISIONS OF THE 1988 ACT COMING INTO FORCE
ON 7th MARCH 1989

<i>Column 1</i> <i>Provision of the</i> <i>1988 Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purposes</i>
In section 11 –	Charges for dental appliances and treatment	
subsections (1) and (4)		All purposes
subsection (3)		The purposes of regulations as to charges authorised by section 78(1A) of the 1977 Act
subsection (6)		The purposes of regulations as to charges authorised by section 70(1A) of the 1978 Act
In section 13 –	General ophthalmic services and optical appliances	
subsection (1)		The purposes of adding subsections (2) to (6) to section 38 of the 1977 Act and of adding a subsection (7) up to the words “are to be made”
subsection (2)		The purposes of any regulations made to come into force on or after 1st April 1989
subsection (3)		All purposes
subsection (4)		The purposes of adding subsections (1A) to (1E) to section 26 of the 1978 Act and of adding a subsection (1F) to that section up to the words “are to be made”
subsection (5)		All purposes
Section 25(1) so far as it relates to –	Consequential amendments	
paragraphs 8(2) and 15(2) of Schedule 2		All purposes
paragraphs 8(1) and 15(1) of Schedule 2		The purposes of any regulations made to come into force on or after 1st April 1989
paragraphs 1 and 9 of Schedule 2		The purposes of paragraphs 8(1) and (2), and 15(1) and (2) of Schedule 2 to the 1988 Act

SCHEDULE 2

Article 2(2)(a)

PROVISIONS OF THE 1988 ACT COMING INTO FORCE
ON 1ST APRIL 1989

<i>Column 1</i> <i>Provision of the</i> <i>1988 Act</i>	<i>Column 2</i> <i>Subject Matter</i>	<i>Column 3</i> <i>Purposes</i>
In section 11 –	Charges for dental appliances and treatment	
subsections (2) (5) and (8)		All purposes
subsections (3) and (6)		All remaining purposes
Section 12 –	Dental Estimates Board and Scottish Dental Estimates Board	All purposes
In section 13 –	General ophthalmic services and optical appliances	
subsections (1), (2) and (4)		All remaining purposes
subsections (6) and (7)		All purposes
Section 25(1) so far as it relates to –	Consequential amendments	
paragraphs 5, 8(3), 12 and 15(3) of Schedule 2		All purposes
paragraphs 8(1) and 15(1) of Schedule 2		All remaining purposes
paragraphs 1 and 9 of Schedule 2		The purposes of paragraphs 5, 8(3), 12 and 15(3) of Schedule 2 to the 1988 Act

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Health and Medicines Act 1988 relating to dental treatment and appliances, to general ophthalmic services and to optical appliances. The provisions are brought into force in stages, for some purposes on 7th March 1989 and for remaining purposes on 1st April 1989.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Section 11(7) of the Health and Medicines Act 1988 was brought into force on 1st January 1989 by S.I. 1988/2107 and section 25(2) of that Act was brought into force (partially) on 27th February 1989 by S.I. 1989/111.

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