

1990 No. 1520 (C.44) (S.156)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service and Community Care Act
1990 (Commencement No.2) (Scotland) Order 1990**

Made - - - - - *18th July 1990*

The Secretary of State, in exercise of the powers conferred upon him by section 67(2) and (3) of the National Health Service and Community Care Act 1990(a) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service and Community Care Act 1990 (Commencement No. 2) (Scotland) Order 1990.

(2) In this Order, unless the context otherwise requires or admits—

- (a) “the Act” means the National Health Service and Community Care Act 1990;
- (b) “the 1978 Act” means the National Health Service (Scotland) Act 1978(b);
- (c) “local health council” has the meaning indicated in section 7 of the 1978 Act; and
- (d) “the new LHC provisions” means the provisions of the 1978 Act relating to local health councils as amended by section 29(3)(a) of the Act, and “the existing LHC provisions” means those in force before such amendment;
- (e) “Schedule” means the Schedule to this Order.

Appointed Day

2. 24th July 1990 is the day appointed for the coming into force of the following provisions of the Act:—

- (a) in section 29, sub-section 3(a) which relates to local health councils; and
- (b) the provisions of the Act specified in column 1 of the Schedule, being provisions which relate to National Health Service trusts in Scotland.

Transitional and saving

3.—(1) The new LHC provisions shall have effect only in relation to any local health councils established thereunder and shall not apply to any local health councils established under the existing LHC provisions.

(2) Notwithstanding the terms of this order the existing LHC provisions shall continue to have effect in relation to any local health councils established thereunder.

(a) 1990 c.19.
(b) 1978 c.29.

SCHEDULE

Article 2(b)

PROVISIONS OF THE ACT RELATING TO NHS TRUSTS COMING INTO
FORCE ON 24th JULY 1990

Column 1 <i>Provision of the Act</i>	Column 2 <i>Subject Matter</i>
In section 29, sub-section (3)(b) and (c) and (4)	Local health councils and University Liaison Committees
Section 31	National Health Service trusts
Section 32	Further provisions relating to NHS trusts
Section 33	Trust property of NHS trusts
Section 66(1) so far as it relates to the following provisions of Schedule 9 – paragraphs 1, 3, 4, 10(12) and (14)(b), 14, 19(4), (5), (7)(a)(ii), (9) to (14), (16) to (19), (21), (22)(b), (c) (so far as it relates to the definition of “National Health Service trust”) and (d) and (24), 21(c) and 28	Minor and consequential amendments
Schedule 6	Schedules about NHS trusts to be inserted after Schedule 7 to the 1978 Act.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 24th July 1990 certain provisions of Part II (the National Health Service: Scotland) and Part V (Miscellaneous and General) of, and of Schedules 6, 9 and 10 to, the National Health Service and Community Care Act 1990. The provisions brought into force relate to local health councils and to National Health Service trusts in Scotland.

NOTE AS TO EARLIER COMMENCEMENT ORDER

(This note is not part of the Order)

The following provisions of the National Health Service and Community Care Act 1990 have been brought into force on 5th July 1990 by the National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990 (S.I. 1990/1329) made on 2nd July 1990, which Order also brings into force on various dates after the appointed day specified in this Order other provisions of Parts I and V of the Act.

Column 1 <i>Provision of the Act</i>	Column 2 <i>Subject Matter</i>
In section 1– subsection (1)(c)	Regional and District Health Authorities
In section 2– subsection (3)(b)	Family Health Services Authorities
Section 5	NHS trusts
Section 6	Transfer of staff to NHS trusts
Section 7	Supplementary provisions as to transfer of staff
Section 8	Transfer of property, rights and liabilities to NHS trusts
Section 9	Originating capital debt of, and other financial provisions relating to NHS trusts
Section 10	Financial obligations of NHS trusts
Section 11	Trust-funds and trustees for NHS trusts
In section 20– subsection (1) so far as it relates to paragraph 4 of Schedule 4 and subsections (4), (5), (6) and (7)	Extension of functions etc. of Audit Commission to cover the health service
In section 26– subsection (1) and, in subsection (2) paragraphs (a), (c), (d) (so far as it relates to the definition of “National Health Service trust”), (e), (g) and (i)	Interpretation of Part I of the Act
In section 59– subsection (2)	Parliamentary disqualification
Section 64	Financial provisions
Section 65	Regulations, orders and directions
Section 66(1) so far as it relates to the following provisions of Schedule 9– paragraphs 2, 5(4), 6, 7, 8, 9, 13, 17, 18(1)(b) and (3) to (13), 20, 21(a) and (b), 22, 23, 24(1), (2), (3)(a) and (b), (4), (5) and (7) to (9), 26, 27, 29, 30(1)(a) and (2), 31, 32, 33, 35, 36 and 37.	Minor and consequential amendments
Section 66(2) and Schedule 10 so far as they relate to sections 8(5) and 10(7) of the National Health Service Act 1977 (c.49)	Repeals
Schedule 2	National Health Service trusts
Schedule 3	Financial Provisions relating to NHS trusts
In Schedule 4– paragraph 4	Amendment of section 14 of the Local Government Finance Act 1982 (c.32)

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