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STATUTORY INSTRUMENTS

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**1990 No. 2510 (C.65) (S.212)**

**SOCIAL WORK, SCOTLAND  
NATIONAL HEALTH SERVICE, SCOTLAND**

The National Health Service and Community Care Act 1990  
(Commencement No. 5 and Revocation) (Scotland) Order 1990

Made - - - - 7th December 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<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the National Health Service and Community Care Act 1990 (Commencement No. 5 and Revocation) (Scotland) Order 1990.

**Appointed day**

2. 1st April 1991 is the day appointed for the coming into force of the provisions of the National Health Service and Community Care Act 1990 specified in column 1 of the Schedule to this Order.

**Revocation**

3. Articles 2(2) and 3 of the National Health Service and Community Care Act 1990 (Commencement No.3 and Transitional Provisions) (Scotland) Order 1990<sup>(2)</sup> are hereby revoked.

St Andrew's House,  
Edinburgh  
7th December 1990

*Michael B Forsyth*  
Minister of State, Scottish Office

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(1) 1990 c. 19.  
(2) S.I. 1990/1793.

*Status: This is the original version (as it was originally made).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

## SCHEDULE

Article 2

PROVISIONS OF THE NATIONAL HEALTH SERVICE AND COMMUNITY CARE ACT 1990 COMING INTO FORCE ON 1ST APRIL 1991

Column 1 Provision of the Act	Column 2 Subject Matter
Section 51.	Power of Secretary of State to give directions.
Section 52.	Local authority plans for community care services and complaints procedure.
Section 53.	Inspection of premises providing accommodation.
Section 54.	Inquiries.
Section 56 (insofar as it relates to the insertion of section 13B in the Social Work (Scotland) Act 1968 <sup>(3)</sup> ).	Provision of care and after-care.
Section 58.	Power of Secretary of State to make grants.
Section 66(1) and Schedule 9 so far as they relate to the following provisions of that Schedule:—	
Paragraph 5(8) (so far as it applies to Scotland) and (9)(b); paragraph 10(2), (3), (4), (5), (6), (9), (10), (11), (13) and (14)(a).	Minor and consequential
Section 66(2) and Schedule 10 so far as they relate to the following enactments:—Section 54 of the National Assistance Act 1948 <sup>(4)</sup> insofar as it applies to Scotland; the word “and” in section 1(4)(b) and section 1(4)(c) of the Social Work (Scotland) Act 1968; sections 13A(1)(c) and 13B of, and in paragraph 10(b) “82” and paragraph 15 of Schedule 15 to, the National Health Service (Scotland) Act 1978 <sup>(5)</sup> ; and section 13(1)(c) of the Mental Health (Scotland) Act 1984 <sup>(6)</sup> .	Repeals

<sup>(3)</sup> 1968 c. 49.

<sup>(4)</sup> 1948 c. 29.

<sup>(5)</sup> 1978 c. 29.

<sup>(6)</sup> 1984 c. 36.

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## EXPLANATORY NOTE

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

In this Order, article 2 brings into force on 1st April 1991 various provisions of Part IV (Community Care: Scotland) and Part V (Miscellaneous and General) of, and Schedules 9 and 10 to, the National Health Service and Community Care Act 1990 (“the 1990 Act”). The provisions commenced all relate to Scotland and with the exception of one minor repeal all are relevant to community care.

Article 3 of the Order revokes articles 2(2) and 3 of the National Health Service and Community Care Act 1990 (Commencement No.3 and Transitional Provisions) (Scotland) Order 1990. Article 2(2) of that Order was to bring into force on 1st January 1991 provisions of sections 38 and 39 of the 1990 Act relating to the Medical Practices Committee and to general medical practitioners and article 3 of that Order contained a relative transitional provision.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

This Order has been preceded by four earlier Commencement Orders namely–

(1) the National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990 ([S.I. 1990/1329](#)) commencing provisions of Parts I and V of, and Schedules 1 to 5 and 8 to 10 to, the Act;

(2) the National Health Service and Community Care Act 1990 (Commencement No. 2) (Scotland) Order 1990 ([S.I. 1990/1520](#)) commencing certain provisions of Parts II and V of, and Schedules 6, 9 and 10 to, the Act relating to Scotland;

(3) the National Health Service and Community Care Act 1990 (Commencement No. 3 and Transitional Provisions) (Scotland) Order 1990 ([S.I. 1990/1793](#)) commencing certain provisions of Parts II and V of, and Schedules 5, 9 and 10 to, the Act relating to Scotland; and

(4) the National Health Service and Community Care Act 1990 (Commencement No. 4 and Transitional Provision) Order 1990 ([S.I. 1990/2218](#)) commencing certain provisions of Parts III and V of, and Schedules 9 and 10 to, the Act which relate mainly to community care in England and Wales.

These Orders, made respectively on 2nd and 18th July 1990, 28th August 1990 and 7th November 1990, brought into force at various dates, both before and after the date of this Order, provisions of Parts I, II, III and V of, and of Schedules 1 to 6 and 8 to 10 to, the Act.

The first three Orders related generally to the National Health Service and the fourth Order related generally to community care.

A list of all provisions of the Act commenced by the previous commencement orders is obtainable free of charge on application to the Scottish Education Department, Room 420, 43 Jeffrey Street, Edinburgh EH1 (ref. ATA/3/10).