
STATUTORY INSTRUMENTS

1990 No. 2511

**The National Health Service and Community Care
Act 1990 (Commencement No. 6—Amendment,
and Transitional and Saving Provisions) Order 1990**

Transitional provisions

4.—(1) The amendments to section 33 of the 1977 Act made by section 23(2) of the Act shall not have effect in relation to the making of, or the determination by the Medical Practices Committee of, an application under section 30 of the 1977 Act which—

- (a) is made before, but is not determined by the Medical Practices Committee before, 1st January 1991; or
- (b) is made on or after that date in relation to a vacancy as respects which notice was first given pursuant to regulation 10 of the National Health Service (General Medical and Pharmaceutical Services) Regulations 1974(1) before that date.

(2) Where the Medical Practices Committee has determined an application under section 30 of the 1977 Act which—

- (a) was made before 1st January 1991 pursuant to regulation 7(1) of those Regulations; or
- (b) pursuant to regulation 7(2) of those Regulations, in relation to a vacancy as respects which notice was first given under regulation 10 of those Regulations before 1st January 1991,

sections 33(5), (7) and (8) and 34 of the 1977 Act shall, subject to paragraph (3) of this article, have effect from that date in relation to any appeal from that determination as if section 23(4) to (7) of the Act had not come into force.

(3) In relation to the determination of any appeal to which paragraph (2) of this article applies, section 33(5) of the 1977 Act shall have effect subject to the modification that, for the words from “either unconditionally” to “specify” there shall be substituted the words

“, in which case—

- (a) the Medical Practices Committee shall grant the application subject to such further condition as the Secretary of State may specify; and
- (b) subsection (4)(a) shall apply to the granting of the application following the appeal as it applies to the granting of an application in the first instance.”.