
S T A T U T O R Y I N S T R U M E N T S

1990 No. 2511 (C.66)

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

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

Made - - - - - *8th December 1990*

In exercise of powers conferred by section 67(2) and (3) of the National Health Service and Community Care Act 1990(a) and of all other powers enabling me in that behalf, I hereby make 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. 6—Amendment, and Transitional and Saving Provisions) Order 1990.

(2) In this Order—

- (a) “the Act” means the National Health Service and Community Care Act 1990;
- (b) “the 1977 Act” means the National Health Service Act 1977(b);
- (c) “the first Order” means the National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990(c).

Amendment of the first Order

2.—(1) In paragraph (7) of article 2 of the first Order (days appointed)—

- (a) sub-paragraph (a) shall be omitted;
- (b) in sub-paragraph (c) after the words “(distribution of general medical services)” there shall be inserted the words “, except subsection (4) so far as it repeals the second paragraph of section 33(5) of the 1977 Act (exclusion of right of appeal against refusal on certain grounds of application to provide general medical services).”.

(2) In article 3 of the first Order (transitional provision) paragraph (2) shall be omitted.

Appointed day

3. 1st October 1991 is the day appointed for the coming into force of section 12(4) of the Act (recognition by Family Health Services Authorities of certain local committees).

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

(a) 1990 c.19.

(b) 1977 c.49.

(c) S.I. 1990/1329.

- (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^(a) 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.”.

Saving provisions

5.—(1) A committee which is recognised under section 44(1) of the 1977 Act by the Secretary of State before 1st October 1991 (the date upon which section 12(4) of the Act comes into force) shall on or after that date be treated for the purposes of that subsection as having been recognised by the Family Health Services Authority.

(2) Where, before 1st October 1991, the Secretary of State has approved the delegation under section 44(2) of the 1977 Act by a committee of any of their functions, such delegation shall, on or after that date, be treated as having been approved by the Family Health Services Authority.

8th December 1990

William Waldegrave
One of Her Majesty's Principal Secretaries of State

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990 to postpone from 1st January 1991 to 1st October 1991 the coming into force of section 12(4) of the National Health Service and Community Care Act 1990 ("the 1990 Act") (articles 2(1)(a) and 3), and to defer the coming into force of section 23(4) of the 1990 Act in so far as that subsection repeals words in section 33(5) of the National Health Service Act 1977 which preclude a right of appeal to the Secretary of State where an application for inclusion in a medical list is refused on the ground that the applicant is not suitably experienced or is over the age at which doctors must retire (article 2(1)(b)).

This Order also revokes an earlier transitional provision (article 2(2)), and makes new transitional provision, in connection with the coming into force of section 23 of the 1990 Act as it relates to the determination of applications for inclusion in a medical list and of appeals from such determinations (article 4). Saving provisions are made in connection with the coming into force of section 12(4) of that Act as it relates to the recognition of certain local committees and the approval of the delegation of their functions (article 5).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

This Order has been preceded by five earlier Orders entitled respectively the National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990 (S.I. 1990/1329) commencing provisions in Parts I and V of the Act relating to England and Wales, 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, the National Health Service and Community Care Act (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, 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 relating to England and Wales, and the National Health Service and Community Care Act 1990 (Commencement No. 5 and Revocation) (Scotland) Order 1990 (S.I. 1990/2510) commencing certain provisions of Parts IV and V of, and Schedules 9 and 10 to, the Act relating to Scotland and revoking two provisions of S.I. 1990/1793.

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

A list of the various provisions of the Act which have been the subject of earlier commencement orders, including details of the subject matter of those provisions, the dates of their coming into force and the numbers of the relevant commencement orders, may be obtained free of charge on application to the Department of Health at Room 513, New Court, 48 Carey Street, London WC2A 2LS.