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STATUTORY INSTRUMENTS

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**1991 No. 388 (C.8)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The National Health Service and Community Care  
Act 1990 (Commencement No. 7) Order 1991**

*Made - - - - 28th February 1991*

In exercise of powers conferred by section 67(2) of the National Health Service and Community Care Act 1990<sup>(1)</sup> and of all other powers enabling me in that behalf, I hereby make the following Order:

1. This Order may be cited as the National Health Service and Community Care Act 1990 (Commencement No. 7) Order 1991.
2. 6th March 1991 is the day appointed for the coming into force of the following provisions of section 4 of the National Health Service and Community Care Act 1990—
  - (a) subsection (4),
  - (b) subsections (1), (2), (5), (6) and (9) so far as they relate to a reference under subsection (4) of that section.

28th February 1991

*William Waldegrave*  
Secretary of State for Health

*Status: This is the original version (as it was originally made).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

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## EXPLANATORY NOTE

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

This Order brings section 4 of the National Health Service and Community Care Act 1990 partially into force on 6th March 1991. Section 4 defines an NHS contract and specifies the health service bodies that can enter into such a contract. The provisions brought into force by the Order enable a health service body, in the course of negotiations intending to lead to an arrangement which will be an NHS contract, to refer the proposed arrangement to the Secretary of State for determination if it considers that the terms of the proposed arrangement cannot be agreed because of the unequal bargaining position as between the prospective parties.

Section 4 comes fully into force on 1st April 1991 by virtue of article 2(8) of and Schedule 3 to the National Health Service and Community Act 1990 (Commencement No. 1) Order 1990 (S.I.1990/1329).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

This Order has been preceded by six 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, 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, and the National Health Service and Community Care Act 1990 (Commencement No. 6—Amendment and Transitional and Savings Provisions) Order 1990 (S.I. 1990/2511) amending three provisions of S.I. 1990/1329 and commencing a provision of Part I of the Act relating to England and Wales.

These Orders, made respectively on 2nd and 18th July 1990, 28th August 1990, 7th November 1990 and 7th and 8th 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 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.