

---

SCOTTISH STATUTORY INSTRUMENTS

---

**2011 No. 122 (C. 11)**

**MENTAL HEALTH  
NATIONAL HEALTH SERVICE  
PUBLIC SERVICES REFORM  
SOCIAL CARE**

The Public Services Reform (Scotland) Act  
2010 (Commencement No. 4) Order 2011

Made - - - - 18th February 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010<sup>(1)</sup> and all other powers enabling them to do so.

**Citation**

1. This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 4) Order 2011.

**Appointed day**

2.—(1) The day appointed for the coming into force of the provisions of the Public Services Reform (Scotland) Act 2010 specified in column 1 of the table in the Schedule to this Order (the subject matter of which is specified in column 2 of that table) is 1st April 2011.

(2) Where a purpose is specified in column 3 of that table, a provision mentioned in column 1 comes into force in accordance with paragraph (1) only for that purpose.

St Andrew's House,  
Edinburgh  
18th February 2011

*S ROBISON*  
Authorised to sign by the Scottish Ministers

**Status:** This is the original version (as it was originally made).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

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
Sections 44 to 106 insofar as these sections are not already commenced.	Social care and social work; scrutiny and improvement.	
Sections 108 to 110 insofar as these sections are not already commenced.	Health care: scrutiny and improvement.	For all purposes, with the exception of Healthcare Improvement Scotland's functions relating to— (a) independent clinics; (b) independent medical agencies; and (c) independent ambulance services <sup>(2)</sup> .
Section 111 insofar as that section is not already commenced.	The Mental Welfare Commission for Scotland.	
Sections 115 to 117 insofar as these sections are not already commenced.	Joint inspections.	
Schedule 11 insofar as that schedule is not already commenced.	Social Care and Social Work Improvement Scotland: establishment etc.	
Schedule 12 insofar as that schedule is not already in force.	Care services definitions.	
Schedule 14, with the exception of paragraph 35(a), insofar as that schedule is not already in force	Social Care and Social Work Improvement Scotland: modification of enactments.	
Schedule 16 insofar as that schedule is not already in force.	Healthcare Improvement Scotland: establishment, etc.	

(2) "Independent clinic", "independent medical agency" and "independent ambulance service" all have the meaning given to them in section 10F(2) of the National Health Service (Scotland) Act 1978 (c. 29).

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purpose)</i>
Schedule 17 insofar as that schedule is not already in force.	Healthcare Improvement in Scotland: modification of enactments.	
Schedule 18 insofar as that schedule is not already in force.	The Mental Welfare Commission for Scotland: modifications of the Mental Health (Care and Treatment) (Scotland) Act 2003(3).	

## EXPLANATORY NOTE

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

Sections 103, 109, 132, 133 and 134 of the Public Services Reform (Scotland) Act 2010 (“the Act”) came into force on Royal Assent. The Public Services Reform (Scotland) Act 2010 (Commencement No. 1) Order 2010, the Public Services Reform (Scotland) Act 2010 (Commencement No. 2) Order 2010 and the Public Services Reform (Scotland) Act 2010 (Commencement No. 3) Order 2011 brought other provisions of the Act into force on 1st July 2010, 1st August 2010, 1st October 2010, 31st January 2011 and 1st April 2011 (for further detail see the note as to earlier commencement orders).

This Order brings the following provisions into force, insofar as they were not already in force (see the note as to earlier commencement orders), on 1st April 2011:

- (a) Sections 44 to 106; which relate to social care and social work: scrutiny and improvement – in particular they establish the new body Social Care and Social Work Improvement Scotland (“SCSWIS”);
- (b) Sections 108 to 110; which relate to health care: scrutiny and improvement – in particular they establish the new body Health Improvement Scotland (“HIS”). HIS’s functions will initially be limited to independent hospitals and private psychiatric hospitals so their functions relating to the other independent healthcare services are not commenced at this time;
- (c) Section 111 which makes amendments to the Mental Health (Care and Treatment) Act 2003;
- (d) Section 115 to 117 which establishes a new regime for joint inspections of children’s and other services;
- (e) Schedule 11 which makes further provision regarding the establishment of SCSWIS;

---

(3) 2003 asp 13.

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

- (f) Schedule 12 which provides definitions of various care services;
- (g) Schedule 14, with the exception of paragraph 35(a) (the amendment made in that subparagraph has been superseded by the amendment in article 4 of [S.S.I. 2010/240](#)), which makes modifications to enactments in light of the establishment of SCSWIS;
- (h) Schedule 16 which makes further provision regarding the establishment of HIS;
- (i) Schedule 17 which makes modifications to enactments in light of the establishment of HIS; and
- (j) Schedule 18 which makes modifications to the Mental Health (Care and Treatment) (Scotland) Act 2003 regarding changes to the operation of the Mental Welfare Commission.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Act were brought into force by commencement order made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 12 except section 3	1st August 2010	<a href="#">2010/221</a>
Section 13 for the purposes of the amendments and repeals commenced in Schedule 1 to <a href="#">S.S.I. 2011/30</a>	31st January 2011	<a href="#">2011/30</a>
Section 13 for the purposes of the amendment in Schedule 2 to <a href="#">S.S.I. 2011/30</a>	1st April 2011	<a href="#">2011/30</a>
Sections 14 to 30	1st August 2010	<a href="#">2010/221</a>
Sections 31 to 35	1st October 2010	<a href="#">2010/321</a>
Sections 36 to 43	1st July 2010	<a href="#">2010/221</a>
Section 44 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 44 to 106 except section 103 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Section 107	1st August 2010	<a href="#">2010/221</a>
Section 108 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 110(1) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 108 to 110 for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Section 111 for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 111 for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 112 to 114	1st October 2010	2010/321
Sections 115 to 117 for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 118	1st October 2010	2010/321
Section 119	1st August 2010	2010/221
Sections 120 to 128 except section 125	1st August 2010	2010/221
Section 125 for the purpose of making subordinate legislation	1st October 2010	2010/321
Section 129	1st August 2010	2010/221
Schedule 1	1st August 2010	2010/221
Paragraphs 1 (partially), 2, 3, 8, 9 (partially), 10, 11, 12, 13, 15 and 20 to 33 of Schedule 4	31st January 2011	2011/30
Paragraphs 4 to 7, 14 and 16 to 19 of Schedule 4	1st April 2011	2011/30
Schedules 5 to 7	1st August 2010	2010/221
Schedule 8	1st October 2010	2010/321
Schedules 9 and 10	1st July 2010	2010/221
Schedule 11 (partially) for the purpose of making appointments	1st August 2010	2010/221
Schedule 11 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 12 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 13	1st October 2010	2010/321
Schedule 14 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 15	1st August 2010	2010/221
Schedule 16 for the purpose of making appointments	1st August 2010	2010/221
Schedule 16 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 17 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedule 18 for the purpose of making appointments	1st August 2010	2010/221
Schedule 18 for the purpose of making subordinate legislation	1st October 2010	2010/321
Schedules 19 and 20	31st October 2010	2010/321

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