
STATUTORY INSTRUMENTS

1990 No. 1329

**The National Health Service and Community Care
Act 1990 (Commencement No. 1) Order 1990**

Citation and interpretation

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

(2) In this Order—

- (a) “the Act” means the National Health Service and Community Care Act 1990, and
- (b) “the 1977 Act” means the National Health Service Act 1977⁽¹⁾.

Days Appointed

2.—(1) 5th July 1990 is the day appointed for the coming into force of each provision of the Act specified in column 1 of Schedule 1 to this Order.

(2) 25th July 1990 is the day appointed for the coming into force of subsections (4)(a) and (5) of section 1 of the Act (members of Health Authorities to cease to be members) so far as those subsections have effect for the purposes of Regional Health Authorities.

(3) 26th July 1990 is the day appointed for the coming into force of—

- (a) section 1(1)(a) (Regional and District Health Authorities) and section 59(1) (Parliamentary disqualification) of the Act as they have effect in relation to Regional Health Authorities,
- (b) paragraph 1 of Schedule 1 to the Act and section 1(2) of the Act so far as it relates to that paragraph and to paragraph 1 of Schedule 5 to the 1977 Act, and
- (c) paragraphs 6, 8 and 9 of Schedule 1 to the Act and paragraphs 7 and 10 of that Schedule so far as they have effect for the purposes of Regional Health Authorities and section 1(3) of the Act so far as it relates to each of those paragraphs.

(4) 16th September 1990 is the day appointed for the coming into force of—

- (a) section 1(4)(a) and (5) of the Act so far as not previously in force,
- (b) section 1(4)(b) of the Act (members of certain special health authorities to cease to be members), and
- (c) section 2(5) of the Act (members of Family Practitioner Committees to cease to be members).

(5) 17th September 1990 is the day appointed—

- (a) for the coming into force of each provision of the Act specified in column 1 of Schedule 2 to this Order, and
- (b) for the coming into force of sections 1, 2 and 59(1) of and Schedule 1 to the Act so far as not previously in force.

(6) 1st October 1990 is the day appointed for the coming into force of—

- (a) section 20 of the Act (extension of functions etc. of Audit Commission to cover the health service) so far as not previously in force,
 - (b) Schedule 4 to the Act (amendments of Part III of the Local Government Finance Act 1982⁽²⁾), so far as not previously in force, and
 - (c) section 66(2) of and Schedule 10 to the Act (repeals) so far as they relate to section 98(1) (b) and (3) of the 1977 Act and the Local Government and Housing Act 1989⁽³⁾.
- (7) 1st January 1991 is the day appointed for the coming into force of—
- (a) Section 12(4) of the Act (recognition by Secretary of State of certain local committees),
 - (b) section 22 of the Act (the Medical Practices Committee),
 - (c) section 23 of the Act (distribution of general medical services), and
 - (d) section 66(2) of and Schedule 10 to the Act so far as they relate to section 33(7) of the 1977 Act.
- (8) 1st April 1991 is the day appointed for the coming into force of each provision of the Act specified in column 1 of Schedule 3 to this Order and of section 26 of the Act (interpretation of Part I) so far as not previously in force.

Transitional provision

3.—(1) Where—

- (a) prior to 17th September 1990, any application or question has, pursuant to regulations made under paragraph (d) or (e) of section 42(3) of the 1977 Act as then in force, been referred for determination by the body prescribed under that paragraph (d); and
- (b) that application or question has not been determined by that body before that date,

those paragraphs shall, in relation to the determination of that application or question after that date, have effect as if section 12(3) of the Act had not come into force.

(2) Where, prior to 1st January 1991 the Medical Practices Committee has refused an application under section 30 of the 1977 Act or has granted an application subject to conditions excluding the provision of general medical services by the applicant in a part or parts of the Family Health Services Authority's locality, sections 33(5), (7) and (8) and 34 of the 1977 Act shall, in relation to that refusal or grant, have effect as if section 23(4) to (7) of the Act had not come into force.

2nd July 1990

K. Clarke
One of Her Majesty's Principal Secretaries of
State

(2) 1982 c. 32.
(3) 1989 c. 42.