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STATUTORY INSTRUMENTS

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**1999 No. 2540 (C. 64)**

**NATIONAL HEALTH SERVICE,  
ENGLAND AND WALES**

**The Health Act 1999 (Commencement No. 3) Order 1999**

*Made - - - - 10th September 1999*

The Secretary of State for Health, in exercise of powers conferred on him by section 67(1) and (2) of the Health Act 1999<sup>(1)</sup>, and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation, interpretation and extent**

- 1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 3) Order 1999.
- (2) In this Order—
  - “the Act” means the Health Act 1999;
  - “the 1977 Act” means the National Health Service Act 1977<sup>(2)</sup>.
- (3) This Order extends to England and article 2(1)(b) extends also to Wales.

**Appointed days**

- 2.—(1) 1st October 1999 is the day appointed for the coming into force of—
  - (a) each provision of the Act specified in column 1 of Schedule 1 to this Order; and
  - (b) sections 42 to 44 of the Act.
- (2) 4th January 2000 is the day appointed for the coming into force of paragraph 16, and paragraph 4 in so far as it relates to that paragraph, of Schedule 4 to the Act and section 65(1) of the Act in so far as it relates to those paragraphs.

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(1) 1999 c. 8. The power of the Secretary of State under section 67 of the Act to appoint a day for the coming into force in relation to Wales of any of the provisions listed in section 66(2)(a) to (c) of the Act are exercisable instead by the National Assembly for Wales by virtue of section 66(2) of the Act.

(2) 1977 c. 49.

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Signed by authority of the Secretary of State for Health.

10th September 1999

*John Denham*  
Minister of State,  
Department of Health

## SCHEDULE 1

Article 2(1)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST OCTOBER 1999

1	2
<i>Provision of the Act</i>	<i>Subject matter</i>
Section 1	Repeal of law about fund-holding practices
Section 13	NHS trust establishment orders
Section 14	NHS trusts: exercise of powers
Section 42	Provision of information by the Registrar-General
Section 43	Health Service Commissioners
Section 44	Power to rectify transitional provisions under the Health Authorities Act 1995
Section 65(1) (in so far as it relates to the provisions of Schedule 4 specified below)	
Section 65(2) (in so far as it relates to the provisions of Schedule 5 specified below)	
Schedule 4—	Amendments of enactments
paragraph 8 (in so far as it relates to fund-holding practices)	
paragraph 15	
paragraph 27(a) to the extent that a day on which the provision is to come into force has not been appointed by the Health Act 1999 (Commencement No. 2) Order 1999(3)	
paragraph 71 to the extent that a day on which the provision is to come into force has not been appointed by the Health Act 1999 (Commencement No. 2) Order 1999	
paragraph 83(6) and paragraph 83(1) in so far as it relates to it	
paragraph 85(3) and (4) and paragraph 85(1) in so far as it relates to it	
paragraph 88(6) and paragraph 88(1) in so far as it relates to it	
paragraph 90	
In Schedule 5, the repeals related to—	Repeals
sections 15(1B) to (1D) (in so far as it relates to fund-holding practices), 28E(4), 98(2B), and 128(1) (in so far as it relates to the definition of “fund-holding practice”) of the National Health Service Act 1977	

(3) [S.I. 1999/2342](#).

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1	2
<i>Provision of the Act</i>	<i>Subject matter</i>
sections 4(2)(f), 14 to 17, 18(2), and 20(2)(b) of the National Health Service and Community Care Act 1990 sections 3(1B) and 19 of the Health Service Commissioners Act 1993 paragraphs 6(c) and (d), 50(c), 58(b), and 73 to 76 of Schedule 1 to, and paragraph 13(5) of Schedule 2 to, the Health Authorities Act 1995 paragraphs 6(2) and (7) of Schedule 1 to the Health Service Commissioners (Amendment) Act 1996 sections 14 and 19 of, and paragraphs 4(3) and (4) (in so far as it relates to fund-holding practices) and 65(3) to (7) of Schedule 2 to, the National Health Service (Primary Care) Act 1997 the Audit Commission Act 1998	

### EXPLANATORY NOTE

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

This Order brings into force in relation to England and Wales further provisions of the Health Act 1999 (“the 1999 Act”).

Provisions which are brought into force on 1st October 1999 in relation to England relate to the abolition of GP fund-holding practices, NHS trust establishment orders and the exercise of powers by NHS trusts. The provisions which are brought into force on that date in relation to England and Wales relate to the provision of information by Registrar General to the Secretary of State, the disclosure of information by the Health Service Commissioners and the rectification of transitional provisions made under the Health Authorities Act 1995.

Paragraph 16 of Schedule 4 to the Health Act, which relates to Primary Care Trusts, is brought into force in relation to England on 4th January 2000.

### NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Health Act 1999 have been, or are to be, brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
s. 2 as to England		

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
(partially)	8.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s. 3 as to England	1.4.00	1999/2342
s. 4 as to England		
(partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
s. 5 as to England (partially)	4.1.00	1999/2342
s. 6(1) as to England	4.1.00	1999/2342
s. 7 as to England	4.1.00	1999/2342
s. 8 as to England	1.9.99	1999/2342
s. 11 as to England (partially)	1.9.99	1999/2342
s. 12 as to England		
(partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
s. 15 to 17 as to England	1.9.99	1999/2342
s. 33(1) to (6) (partially)	1.9.99	1999/2177
s. 34 (partially)	3.8.99	1999/2177
(remainder)	1.11.99	1999/2177
s. 36 (partially)	3.8.99	1999/2177
s. 37 (partially)	3.8.99	1999/2177
(1) to (9) (remainder)	1.11.99	1999/2177
s. 38 (6) (partially)	3.8.99	1999/2177
(partially)	1.9.99	1999/2177
(partially)	1.11.99	1999/2177
s. 62 (partially)	3.8.99	1999/2177
s. 63 (partially)	3.8.99	1999/2177
s. 64 (partially)	3.8.99	1999/2177
s. 65(1) (partially)	1.9.99	1999/2342
as to England and Wales (partially)	4.1.00	1999/2342
as to England and Wales (partially)	1.4.00	1999/2342
Schedule 1 (partially)	8.9.99	1999/2342
(partially)	4.1.00	1999/2342
(remainder)	1.4.00	1999/2342

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 4 as to England (unless otherwise specified)—		
paragraphs 1 and 3	4.1.00	1999/2342
paragraph 4 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
(partially)	1.4.00	1999/2342
paragraph 5	4.1.00	1999/2342
paragraph 6	1.9.99	1999/2342
paragraph 7	4.1.00	1999/2342
paragraph 9 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraphs 10 and 11	4.1.00	1999/2342
paragraph 12 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraphs 13 and 23	4.1.00	1999/2342
paragraph 24	1.9.99	1999/2342
paragraph 25	4.1.00	1999/2342
paragraph 26	1.9.99	1999/2342
paragraph 27 (partially)	4.1.00	1999/2342
paragraphs 28 and 29	4.1.00	1999/2342
paragraph 30 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 31 (partially)	1.9.99	1999/2342
(remainder)	1.4.00	1999/2342
paragraph 32	1.9.99	1999/2342
paragraph 33	1.4.00	1999/2342
paragraph 34 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 35	1.4.00	1999/2342
paragraph 37 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342
paragraph 38 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
paragraph 39	1.9.99	1999/2342
paragraph 40	4.1.00	1999/2342

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
paragraph 71 (partially)	4.1.00	1999/2342
paragraph 73 as to England and Wales	1.4.00	1999/2342
paragraph 74 (partially)	1.9.99	1999/2342
as to England and Wales (partially)	4.1.00	1999/2342
as to England and Wales (partially)	1.4.00	1999/2342
paragraph 75	1.9.99	1999/2342
paragraph 76 (partially)	1.9.99	1999/2342
as to England and Wales (partially)	4.1.00	1999/2342
paragraphs 77, 78 and 79	4.1.00	1999/2342
paragraph 81 (partially)	4.1.00	1999/2342
paragraph 82 as to England and Wales	1.4.00	1999/2342
paragraph 83 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
paragraph 84	1.9.99	1999/2342
paragraph 85 as to England and Wales (partially)	4.1.00	1999/2342
paragraph 86 as to England and Wales	1.4.00	1999/2342
paragraph 87	4.1.00	1999/2342
paragraph 88 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
paragraph 89	4.1.00	1999/2342