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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 90 (C. 66)**

**NATIONAL HEALTH SERVICE**

**The Health Act 1999 (Commencement No. 4) Order 1999**

Made - - - - 29th September 1999

The Scottish Ministers, in exercise of the powers conferred on them by section 67(1) of the Health Act 1999(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, interpretation and extent**

- 1.—(1) This Order may be cited as the Health Act 1999 (Commencement No. 4) Order 1999.
- (2) In this Order, “the Act” means the Health Act 1999.
- (3) This Order extends to Scotland only.

**Appointed day**

2. 1st October 1999 is the day appointed for the coming into force of—
  - (a) the provisions specified in column 1 of Schedule 1 to this Order (which relate to the matters specified in column 2 of that Schedule);
  - (b) in Schedule 4 to the Act (amendments of enactments), paragraphs 1, 2, 42, 43, 44, 45, 46, 47, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 70, 71, 85(1), (3) and (4) and 88;
  - (c) the repeals in Schedule 5 to the Act as specified in Schedule 2 to this Order.

St Andrew’s House, Edinburgh  
29th September 1999

*IAIN GRAY*  
Authorised to sign by the Scottish Ministers

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(1) 1999 c. 8. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46)

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## SCHEDULE 1

Article 2

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

<i>Column 1</i> <i>Provision of the Act</i>	<i>Column 2</i> <i>Subject Matter</i>
Section 45	Repeal of law about fundholding practices
Section 46	Establishment orders
Section 47	Directions as to delegation of functions
Section 48	Constitution of NHS trust boards
Section 49	Duties of NHS trusts
Section 50	Transfer of staff among health service bodies
Section 51	Duty of quality
Section 52	Expenditure of Health Boards and other bodies
Section 53	Public dividend capital
Section 54	Existing NHS trusts: conversion of initial loan
Section 55	Borrowing
Section 57	Remuneration for Part II services
Section 62	Regulations and orders
Section 63	Supplementary and consequential provision, etc
Section 64	Interpretation
Section 65 (so far as it relates to the provisions of Schedule 4 to the Act which are specified in Article 2(b) of this Order and the provisions of Schedule 5 to the Act which are specified in Schedule 2 to this Order).	Amendments and repeals

## SCHEDULE 2

Article 2

## REPEALS IN SCHEDULE 5 TO THE ACT COMING INTO FORCE ON 1st OCTOBER 1999

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
<a href="#">1966 c. 8</a>	The National Health Service Act 1966	Section 10.
<a href="#">1973 c. 65</a>	The Local Government (Scotland) Act 1973	In section 97, in paragraph (a) of subsection (2), sub-paragraph (iii), subsection (2A) and in subsection (2B) the definitions of “recognised fundholding practice” and “allotted sum”.

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<i>Chapter</i>	<i>Short Title</i>	<i>Extent of repeal</i>
1978 c. 29	The National Health Service (Scotland) Act 1978	<p>Section 12E(5) and (6).</p> <p>In section 17A, subsection (2) (d) and (j) and, in subsection (3), paragraph (a) and “and” following it.</p> <p>Section 17E(4).</p> <p>Section 86(1A), (1C) and (5).</p> <p>Sections 87A to 87D.</p> <p>In Schedule 7A, paragraph 6(2), in paragraph 16(c) the words from “which purposes shall include” to the end, in paragraph 22(1), “or Health Authority” and, in paragraph (c), the words following “Health Board” and paragraph 23.</p> <p>In Schedule 7B, paragraphs 1(3) to (5), 3(2) and 5(2).</p> <p>In Schedule 16, paragraph 22</p>
1985 c. 42	The Hospital Complaints Procedure Act 1985	In section 1, in subsection (1), the words from “under” to “functions)” and “for the management of” and, in subsection (1A), “for the management of”.
1993 c. 46	The Health Service Commissioners Act 1993	Section 3(1B). In section 19, the definitions of “allotted sum” and “recognised fund holding practice”.
1997 c. 46	The National Health Service (Primary Care) Act 1997	Section 14 Section 19.

## EXPLANATORY NOTE

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

This Order brings into force, in relation to Scotland, certain provisions of the Health Act 1999 (“the 1999 Act”).

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The provisions which are brought into force on 1st October 1999 relate to the abolition of GP fund-holding practices (section 45), NHS trusts (sections 46 to 49), the transfer of staff among health service bodies (section 50), the placing of a duty of quality of care on the NHS in Scotland (section 51), expenditure of the Health Boards and other bodies (section 52), NHS trust financial provisions (sections 53 to 55), and remuneration for services under Part II of the National Health Service (Scotland) Act 1978 (c. 29) (section 57). The Order also brings into force on 1st October 1999 provisions which deal with regulations (section 62), supplementary and consequential provisions etc. (section 63) and interpretation (section 64) and a number of amendments to enactments (specified in Schedule 4 to the 1999 Act) and repeals (specified in Schedule 5 to the 1999 Act).

### 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.1 as to England	1.10.99	1999/2540
s.2 as to England		
(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.13 as to England	1.10.99	1999/2540
s.14 as to England	1.10.99	1999/2540
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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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.42 to 44 as to England and Wales	1.10.99	1999/2540
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
as to England and Wales	1.10.99	1999/2540
(partially)	4.1.00	1999/2540
s.65(2) as to England and Wales	1.10.99	1999/2540
(partially)		
Schedule 1 (partially)	8.9.99	1999/2342
(partially)	4.1.00	1999/2342
(remainder)	1.4.00	1999/2342
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 8 (partially)	1.10.99	1999/2540
paragraph 9 (partially)	1.9.99	1999/2342
(remainder)	4.1.00	1999/2342

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 15	1.10.99	1999/2540
paragraph 16	4.1.00	1999/2540
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
paragraph 27(a) (partially)	1.10.99	1999/2540
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
(remainder)	4.1.00	1999/2342
paragraph 39	1.9.99	1999/2342
paragraph 40	4.1.00	1999/2342
paragraph 71 (partially)	4.1.00	1999/2342
paragraph 71 (remainder)	1.10.99	1999/2540
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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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 83 (partially)	1.10.99	1999/2540
paragraph 84	1.9.99	1999/2342
paragraph 85 as to England and Wales (partially)	4.1.00	1999/2342
paragraph 85 (partially)	1.10.99	1999/2540
paragraph 86 as to England and Wales	1.4.00	1999/2342
paragraph 86 (partially)	1.10.99	1999/2540
paragraph 87	4.1.00	1999/2342
paragraph 88 (partially)	1.9.99	1999/2342
(partially)	4.1.00	1999/2342
paragraph 88 (partially)	1.10.99	1999/2540
paragraph 89	4.1.00	1999/2342
paragraph 90	1.10.99	1999/2540
Schedule 5 (partially)	1.10.99	1999/2540