SCOTTISH STATUTORY INSTRUMENTS

1999 No. 90 (C. 66)

NATIONAL HEALTH SERVICE

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

Made - - - - 29th September1999

The Scottish Ministers, in exercise of the powers conferred on them bysection 67(1) of the Health Act 1999(**1**) and of all other powersenabling 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 (whichrelate 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 thisOrder.

St Andrew's House,Edinburgh
29th September 1999

IAIN GRAY
Authorised to sign by the Scottish Ministers

(**1**) 1999 c. 8. The functions of the Secretary of State weretransferred to the Scottish Ministers by virtue of section 53 of theScotland Act 1998 (c. 46)

SCHEDULE 1

Article 2

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

Column 1 *Provision of the Act*	*Column 2* *Subject Matter*
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 theAct which are specified in Article 2(b) of this Order and the provisions ofSchedule 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

Chapter	*Short Title*	*Extent of repeal*
1966 c. 8	The National Health Service Act 1966	Section 10.
1973 c. 65	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 “recognisedfund-holding practice” and “allotted sum”.

Chapter	*Short Title*	*Extent of repeal*
1978 c. 29	The National Health Service (Scotland) Act 1978	Section 12E(5) and (6).
		In section 17A, subsection (2)(d) and (j) and, in subsection (3),paragraph (a) and "and" following it.
		Section 17E(4).
		Section 86(1A), (1C) and (5).
		Sections 87A to 87D.
		In Schedule 7A, paragraph 6(2), in paragraph 16(c) the words from"which purposes shall include" to the end, in paragraph 22(1), "orHealth Authority" and, in paragraph (c), the words following "HealthBoard" and paragraph 23.
		In Schedule 7B, paragraphs 1(3) to (5), 3(2) and 5(2).
		In Schedule 16, paragraph 22
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"recocognised fund holding practice".
1997 c. 46	The National Health Service (Primary Care) Act 1997	Section 14Section 19.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force, in relation to Scotland, certainprovisions of the Health Act 1999 ("the 1999 Act").