
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 75 (C. 4)

SOCIAL CARE

**The Health and Social Care Act 2001
(Commencement No. 9) (Scotland) Order 2002**

Made - - - - 27th February 2002

The Scottish Ministers, in exercise of the powers conferred by section 70(2) and (4) of the Health and Social Care Act 2001⁽¹⁾ hereby make the following Order:

Citation and extent

1.—(1) This Order may be cited as the Health and Social Care Act 2001 (Commencement No. 9) (Scotland) Order 2002.

(2) This Order extends to Scotland only.

Appointed day

2. The appointed day for the coming into force of sections 44 and 50(2) to (10) of the Health and Social Care Act 2001 is 1st April 2002.

St Andrew's House,
Edinburgh
27th February 2002

HUGH HENRY
Authorised to sign by the Scottish Ministers

(1) 2001 c. 15; section 70(4) defines “relevant authority” for the purposes of section 70(2) as meaning the Scottish Ministers in relation to the commencement of sections 44 and 50(2) to (10).

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EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the first Commencement Order made by the Scottish Ministers under the Health and Social Care Act 2001 (“the Act”).

Article 2 brings into force in Scotland sections 44 and 50(2) to (10) of the Act on 1st April 2002.

Section 44 of the Act amends section 27(1)(cc) of the National Health Service (Scotland) Act 1978 (c. 29) (arrangements for provisions of pharmaceutical services) and inserts new subsections (1A) and (1B) into that section. The effect of these amendments is to alter the arrangements for dispensing of NHS prescriptions by extending the classes of persons who may be prescribed for that purpose under section 27(1)(cc) of the 1978 Act, enabling conditions to be imposed on their ability to act under that paragraph and to allow provisions to be made as to the circumstances in which prescriptions may be ordered.

Section 50(2) to (10) of the Act provides for the arrangements consequent upon the transfer to local authorities of responsibility for residential accommodation for persons who enjoyed preserved rights under section 86A of the Social Work (Scotland) Act 1968 (“the 1968 Act”).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force as regards Scotland by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of commencement</i>	<i>S.I. No.</i>
Section 50(1)	8th April 2002	2001/3752
Sections 51 and 52	8th November 2001	2001/3752

Section 50(2) to (7) and (10) of the Act and so much of section 50(8) of the Act as was not already in force was brought into force in England on 20th December 2001 by S.I. [2001/3752](#).

Section 50(2) to (10) of the Act was brought into force in Wales on 19th December 2001 by S.I. [2001/3807](#).

Other provisions of the Act have been brought into force in England by–

S.I. [2001/2804](#)

S.I. [2001/3167](#)

S.I. [2001/3294](#)

S.I. [2001/3619](#)

S.I. [2001/3752](#)

S.I. [2001/3738](#)

S.I. [2001/4149](#)

and in Wales by–

S.I. [2001/3807](#)

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