

**2004 No. 58 (C.6)**

**NATIONAL HEALTH SERVICE**

**The Primary Medical Services (Scotland) Act 2004  
(Commencement) Order 2004**

Made - - - -

12th February 2004

The Scottish Ministers, in exercise of the powers conferred by section 9(1) and (2) of the Primary Medical Services (Scotland) Act 2004<sup>(a)</sup> and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

1.—(1) This Order may be cited as the Primary Medical Services (Scotland) Act 2004 (Commencement) Order 2004.

(2) In this Order—

“the 1978 Act” means the National Health Service (Scotland) Act 1978<sup>(b)</sup>;

“the 2004 Act” means the Primary Medical Services (Scotland) Act 2004; and

“the Interpretation Order” means the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999<sup>(c)</sup>.

**Commencement of provisions**

2.—(1) The day appointed for the coming into force of the provisions of the 2004 Act specified in column 1 of the Schedule to this Order, but only for the purposes specified in column 2 of that Schedule, is 13th February 2004.

(2) Paragraph (1) is without prejudice to paragraph 10 of Schedule 1 to the Interpretation Order (anticipatory exercise of powers).

(3) The day appointed for the coming into force of all of the provisions of the 2004 Act, in so far as not already in force, is 1st April 2004.

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
12th February 2004

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<sup>(a)</sup> 2004 asp 1.  
<sup>(b)</sup> 1978 c.29.  
<sup>(c)</sup> S.I. 1999/1379.

## SCHEDULE

Article 2(1)

<i>Column 1</i> <i>Provisions of the 2004 Act</i>	<i>Column 2</i> <i>Purpose</i>
Section 1(1) and (2)	Only for the purpose of enabling arrangements and regulations to be made under section 2C(2), (3), (5), (6) and (7) of the 1978 Act
Section 2(1), (2),(3) and (4)	Only for the purpose of making an agreement under section 17C of the 1978 Act and regulations under sections 17D(1)(b)(i) and (ii), (1A), (1B), (3) and 17E of that Act
Section 4	Only for the purpose of enabling a Health Board to make and enter into a general medical services contract under section 17J of the 1978 Act, giving directions under section 17M and making regulations under sections 17K, 17L, and 17O and giving directions and making regulations under section 17N of that Act
Section 5	Only for the purpose of making regulations under sections 17P and 29(8)(a) of the 1978 Act
Section 8	Only for the purpose of bringing into force the provisions of the Schedule mentioned below
In the Schedule, paragraphs 1(1) and 1(14)	Only for the purpose of making regulations under section 35 of the 1978 Act

## **EXPLANATORY NOTE**

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

This Order brings into force all of the provisions of the Primary Medical Services (Scotland) Act 2004 (“the Act”), with the exception of sections 7 and 9 which came into force on the date of Royal Assent on 27th January 2004.

Article 2(1) brings into force on 13th February 2004 the provisions of the 2004 Act which are specified in column 1 of the Schedule to the Order but only for the purposes specified in column 2 of that Schedule. This will enable powers contained in those provisions to be exercised to make regulations, arrangements, and contracts which will come into force or commence on 1st April 2004 when the whole Act comes into force.

Article 2(2) makes it clear that Article 2(1) is without prejudice to paragraph 10 of Schedule 1 to the Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999 (S.I. 1999/1379) which permits powers in an Act of the Scottish Parliament to be exercised, in certain circumstances, before the Act is in force. This is in case reliance has to be placed upon this provision.

Article 2(3) brings into force on 1st April 2004 all the provisions of the Act in so far as they are not already in force.

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