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STATUTORY INSTRUMENTS

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**1992 No. 2975 (C.91)**

**SOCIAL SERVICES, ENGLAND AND  
WALES SOCIAL WORK, SCOTLAND**

**The National Health Service and Community Care  
Act 1990 (Commencement No. 10) Order 1992**

*Made - - - - 30th November 1992*

In exercise of powers conferred by section 67(2) of the National Health Service and Community Care Act 1990(1) and of all other powers enabling me in that behalf, I hereby make the following Order:—

**Citation and interpretation**

1.—(1) This Order may be cited as the National Health Service and Community Care Act 1990 (Commencement No. 10) Order 1992.

(2) In this Order, “the Act” means the National Health Service and Community Care Act 1990.

**Days appointed**

2.—(1) 10th December 1992 is the day appointed for the coming into force of—

- (a) section 49 of the Act (transfer of staff from health service to local authorities);
- (b) in Schedule 9 to the Act (minor and consequential amendments) paragraph 16 (amendment of section 99(1)(b) of the Children Act 1975(2)—inquiries in Scotland), and section 66(1) of the Act so far as it relates to that paragraph; and
- (c) section 66(2) of and Schedule 10 to the Act (repeals) so far as they relate to section 99(1)(b) of the Children Act 1975.

(2) 1st April 1993 is the day appointed for the coming into force of each provision of the Act specified in column 1 of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) and of section 66(1) and (2) of the Act so far as they relate to the provisions of Schedules 9 and 10 to the Act respectively, specified in that column.

(3) 12th April 1993 is the day appointed for the coming into force of—

- (a) section 45 of the Act (recovery of charges due to local authorities for accommodation; and

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(1) 1990 c. 19.  
(2) 1975 c. 72.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (b) in Schedule 9 to the Act (minor and consequential amendments) paragraph 25(2) (recovery of sums due to local authority where persons in residential accommodation have disposed of assets), and section 66(1) so far as it relates to that paragraph.

30th November 1992

*Virginia Bottomley*  
One of Her Majesty's Principal Secretaries of  
State

## SCHEDULE

Article 2(2)

## PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST APRIL 1993

Column 1 Provision of the Act	Column 2 Subject matter
Section 42(1) to (5)	Provision of accommodation and welfare services: agency arrangements
Section 43	Exclusion of powers to provide accommodation in certain cases
Section 44	Charges for accommodation provided by local authorities
Section 47	Assessment of needs for community care services
Section 55	Duty of local authority to make assessment of needs
Section 56 (so far as not already in force)	Residential accommodation with nursing
Section 57	Exclusion of powers to provide accommodation in certain cases
In Schedule 9— 5(1), (2), (3) and (5)	Amendments of sections 21 and 26 of the National Assistance Act 1948 <sup>(3)</sup> (duties of local authorities to provide accommodation and provision of accommodation in premises maintained by voluntary organisations)
paragraph 5(9)(a)	Amendment of section 65 of the National Assistance Act 1948 (application to Scotland)
paragraph 10(7) and (8)	Amendments of sections 59(1) and 61(1A) of the Social Work (Scotland) Act 1968 <sup>(4)</sup> (provision of residential and other establishments, and definition of “establishment”)
paragraph 11(a) and (c) (so far as not already in force)	Amendments of Schedule 1 to the Local Authority Social Services Act 1970 <sup>(5)</sup> (enactments conferring social services functions assigned to social services committee)
paragraph 15	Amendment of section 3(1)(c) of the Child Benefit Act 1975 <sup>(6)</sup> (meaning of “person responsible for child”, certain days of absence disregarded)

<sup>(3)</sup> 11 & 12 Geo. 6, c.29.<sup>(4)</sup> 1968 c. 49.<sup>(5)</sup> 1970 c. 42.<sup>(6)</sup> 1975 c. 61.

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Column 1 Provision of the Act	Column 2 Subject matter
paragraph 18(14)	Amendments of Schedule 8 to the National Health Service Act 1977(7) (local social services authorities)
paragraph 25(1)	Amendment of section 17(2) of the Health and Social Services and Social Security Adjudications Act 1983(8) (charges for local authority services in England and Wales)
In Schedule 10 the references to the following enactments—	
Sections 21(8) and 26 of the National Assistance Act 1948, paragraph 2 of Schedule 8 to the National Health Service Act 1977, sections 124 and 135(6) of the Mental Health Act 1983(9), paragraph 32(2) of Schedule 10 of the Act Subject matter to the Social Security Act 1986(10), paragraph 2(4)(b) of Schedule 1 to the Local Government Act 1988(11) and paragraph 9(2)(b) of Schedule 1 to the Local Government Finance Act 1988(12).	Repeals

## EXPLANATORY NOTE

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

This Order brings into force on 10th December 1992 section 49 of the National Health Service and Community Care Act 1990 (“the 1990 Act”) and certain amendments to section 99(1)(b) of the Children Act 1975 (the latter amendments in relation to Scotland). It also brings into force, on 1st April 1993, all the remaining provisions not yet in force, except for section 45, in Parts III and IV of the 1990 Act (Community Care: England, Wales and Scotland), and certain amendments and repeals in Part V of and Schedules 9 and 10 to the 1990 Act (Miscellaneous and General) connected with those provisions. Section 45 of the 1990 Act, together with an amendment to section 21 of the Health and Social Services and Social Security Adjudications Act 1983, are brought into force on 12th April 1993.

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(7) 1977 c. 49.  
(8) 1983 c. 41.  
(9) 1983 c. 20.  
(10) 1986 c. 50.  
(11) 1988 c. 9.  
(12) 1988 c. 41.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

This Order has been preceded by ten earlier Orders entitled respectively:

- The National Health Service and Community Care Act 1990 (Commencement No. 1) Order 1990 ([S.I. 1990/1329](#)) commencing certain provisions in Parts I and V of the Act relating to England and Wales;
- The National Health Service and Community Care Act 1990 (Commencement No. 2) (Scotland) Order 1990 ([S.I. 1990/1520](#)) commencing certain provisions of Parts II and V of, and Schedules 6, 9 and 10 to, the Act relating to Scotland;
- The National Health Service and Community Care Act 1990 (Commencement No. 3 and Transitional Provisions) (Scotland) Order 1990 ([S.I. 1990/1793](#)) commencing certain provisions of Parts II and V of, and Schedules 5, 9 and 10 to, the Act relating to Scotland;
- The National Health Service and Community Care Act 1990 (Commencement No. 4 and Transitional Provision) Order 1990 ([S.I. 1990/2218](#)) commencing certain provisions of Parts III and V of, and Schedules 9 and 10 to, the Act relating to England and Wales;
- The National Health Service and Community Care Act 1990 (Commencement No. 5 and Revocation) (Scotland) Order 1990 ([S.I. 1990/2510](#)) commencing certain provisions of Parts IV and V of, and Schedules 9 and 10 to, the Act relating to Scotland and revoking two provisions of [S.I. 1990/1793](#);
- The National Health Service and Community Care Act 1990 (Commencement No. 6—Amendment, and Transitional and Saving Provisions) Order 1990 ([S.I. 1990/2511](#)) amending three provisions of [S.I. 1990/1329](#) and commencing a provision of Part I of the Act relating to England and Wales;
- The National Health Service and Community Care Act 1990 (Commencement No. 7) Order 1991 ([S.I. 1991/388](#)) which brought into force in relation to England and Wales certain provisions of section 4 of the Act;
- The National Health Service and Community Care Act 1990 (Commencement No. 8 and Transitional Provisions) (Scotland) Order 1991 ([S.I. 1991/607](#)) commencing certain provisions of Parts II and V of the Act relating to Scotland;
- The National Health Service and Community Care Act 1990 (Commencement No. 9) Order 1992 ([S.I. 1992/567](#)) commencing certain provisions of Part V of, and Schedule 10 to, the Act relating to England and Wales; and
- The National Health Service and Community Care Act 1990 (Commencement No. 3 and Transitional Provisions) (Scotland) (Amendment) Order 1992 ([S.I. 1992/799](#)) amending a provision of [S.I. 1990/1793](#).

These Orders brought into force at various dates provisions of Parts I to V of, and Schedules 1 to 6 and 8 to 10 to, the National Health Service and Community Care Act 1990. A note as to those Orders listing the provisions brought into force by them may be obtained free of charge on application to the Department of Health at Room 529, New Court, 48 Carey Street, London WC2A 2LS.