
STATUTORY INSTRUMENTS

1995 No. 3090 (C.70)

**NATIONAL HEALTH SERVICE,
ENGLAND AND WALES**

**The National Health Service (Amendment) Act 1995
(Commencement No. 1 and Saving) Order 1995**

Made - - - - 30th November 1995

The Secretary of State for Health, in exercise of powers conferred on him by section 14(3) and (4) of the National Health Service (Amendment) Act 1995⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the National Health Service (Amendment) Act 1995 (Commencement No. 1 and Saving) Order 1995.

(2) In this Order—

“the 1977 Act” means the National Health Service Act 1977⁽²⁾; and

“the 1995 Act” means the National Health Service (Amendment) Act 1995.

Appointed day

2.—(1) Subject to paragraph (2) and article 3, 21st December 1995 is the day appointed for the coming into force of the provisions of the 1995 Act specified in column 1 of the Schedule to this Order (the subject matter of each provision being mentioned in column 2).

(2) Sections 1 and 2 of the 1995 Act shall come into force for the purpose of amending the 1977 Act in relation to general medical services and general dental services only.

Saving

3. Where before 21st December 1995—

(a) an appeal has been made to the Secretary of State under section 46(3) of the 1977 Act; or

(b) an application has been made to the Secretary of State for a direction under section 47 of, or paragraph 8 of Schedule 14 to, the 1977 Act,

(1) 1995 c. 31.

(2) 1977 c. 49.

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the 1977 Act shall have effect in relation to that appeal or that application as if section 3 or (as the case may be) section 4 of the 1995 Act (and, in the Schedule to the 1995 Act, the associated repeals relating to sections 46(3), 47 and 49 of the 1977 Act) had not come into force.

30th November 1995

Stephen Dorrell
Secretary of State for Health

SCHEDULE

Article 2

PROVISIONS OF THE 1995 ACT COMING INTO FORCE ON 21st DECEMBER 1995

(1) Provision of the Act	(2) Subject matter
Section 1, for the purposes specified in article 2(2) of this Order	Disqualified practitioners: engagement in provision of services by others (England and Wales)
Section 2, for the purposes specified in article 2(2) of this Order	Interim suspension of practitioners (England and Wales)
Section 3	Appeals against disqualification: removal of appeal to Secretary of State (England and Wales)
Section 4	Removal of disqualification (England and Wales)
Section 5	Procedure relating to disqualification (England and Wales)
Section 6	Constitution of the Tribunal (England and Wales)
Section 14(2), so far as it relates to the provisions of the Schedule brought into force by this Order	Repeal of provisions specified in the Schedule
In the Schedule, the entries relating to the National Health Service Act 1977 and the Health Authorities Act 1995	Repeals

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 21st December 1995 certain provisions of the National Health Service (Amendment) Act 1995, which amends the National Health Service Act 1977.

The provisions brought into force relate to powers of the National Health Service Tribunal—

- (a) to direct the interim suspension of practitioners providing family health services under the National Health Service Act 1977, and
- (b) to declare when disqualifying them from inclusion in any list of such practitioners kept by a Family Health Services Authority that they are not fit to be engaged in any capacity in the provision of those services;

but these provisions are brought into force only in relation to doctors and dentists.

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

This Order also brings into force on the same date amendments to the National Health Service Act 1977 relating to the abolition of appeals from the NHS Tribunal to the Secretary of State and of the right to apply to the Secretary of State for the removal of a disqualification directed by the Tribunal, but article 3 of the Order provides that these amendments are not to affect appeals and applications made before 21st December 1995.

This Order further brings into force on the same date amendments to the 1977 Act relating to the constitution of the Tribunal and to its procedures.

The amendments brought into force by this Order extend only to England and Wales.