
STATUTORY INSTRUMENTS

1995 No. 3214 (C.74) (S.240)

NATIONAL HEALTH SERVICE, SCOTLAND

**The National Health Service (Amendment) Act 1995
(Commencement No.2 and Saving) (Scotland) Order 1995**

Made - - - - 7th December 1995

The Secretary of State in exercise of the 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.2 and Saving) (Scotland) Order 1995.

(2) In this Order—

“the 1978 Act” means the National Health Service (Scotland) Act 1978⁽²⁾;

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

Appointed day

2.—(1) Subject to paragraph (2) and article 3 below, 1st January 1996 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 7 and 8 of the 1995 Act shall come into force for the purpose of amending the 1978 Act in relation to general medical services and general dental services only.

Saving

3. Where before 1st January 1996—

- (a) an appeal has been made to the Secretary of State under section 29(4) of the 1978 Act; or
- (b) an application has been made to the Secretary of State for a direction under section 30 of, or paragraph 6 of Schedule 15 to, the 1978 Act,

(1) 1995 c. 31.
(2) 1978 c. 29.

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the 1978 Act shall have effect in relation to that appeal or that application as if section 9 or (as the case may be) section 10 of the 1995 Act (and, in the Schedule to the 1995 Act, the associated repeals relating to sections 29(4), 30 and 32 of the 1978 Act) had not come into force.

St Andrew's House,
Edinburgh
7th December 1995

James Douglas-Hamilton
Minister of State, Scottish Office

SCHEDULE

Article 2

PROVISIONS OF THE ACT COMING INTO FORCE ON 1ST JANUARY 1996

(1) Provision of the Act	(2) Subject matter
Section 7, for the purposes specified in article 2(2) of this Order	Disqualified practitioners: engagement in provision of services by others (Scotland)
Section 8, for the purposes specified in article 2(2) of this Order	Interim suspension of practitioners (Scotland)
Section 9	Appeals against disqualification: removal of appeal to Secretary of State (Scotland)
Section 10	Removal of disqualification (Scotland)
Section 11	Procedure relating to disqualification (Scotland)
Section 12	Constitution of the Tribunal (Scotland)
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 (Scotland) Act 1978	Repeals

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

This Order brings into force on 1st January 1996 certain provisions of the National Health Service (Amendment) Act 1995, which amends the National Health Service (Scotland) Act 1978.

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 (Scotland) Act 1978, and
- (b) to declare when disqualifying them from inclusion in any list of such practitioners kept by a Health Board 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.

This Order also brings into force on the same date amendments to the National Health Service (Scotland) Act 1978 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 1st January 1996.

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 further brings into force on the same date amendments to the 1978 Act relating to the constitution of the Tribunal and to its procedures.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The National Health Service (Amendment) Act 1995 (Commencement No.1 and Saving) Order 1995 (S.I.1995/3090) brings into force on 21st December 1995 sections 1 to 6 of the National Health Service (Amendment) Act 1995 and section 14(2) and the Schedule (both partially). Sections 1 and 2 are commenced only in respect of general medical services and general dental services.