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SCOTTISH STATUTORY INSTRUMENTS

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**2016 No. 22 (C. 4)**

**PUBLIC HEALTH**

The Public Services Reform (Scotland) Act  
2010 (Commencement No. 7) Order 2016

<i>Made</i>	- - - -	<i>14th January 2016</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>18th January 2016</i>
<i>Coming into force</i>	- -	<i>1st April 2016</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by section 134(7) of the Public Services Reform (Scotland) Act 2010<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Public Services Reform (Scotland) Act 2010 (Commencement No. 7) Order 2016 and comes into force on 1st April 2016.

(2) In this Order, “the Act” means the Public Services Reform (Scotland) Act 2010.

**Appointed days**

2.—(1) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Schedule 1 (the subject matter of which is specified in column 2 of that table) is 1st April 2016.

(2) Subject to paragraph (3), the day appointed for the coming into force of the provisions of the Act specified in column 1 of the table in Schedule 2 (the subject matter of which is specified in column 2 of that table) is 1st April 2017.

(3) Where a purpose is specified in column 3 of either table, a provision mentioned in column 1 comes into force in accordance with paragraph (1) or paragraph (2), as applicable, only for that purpose.

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St Andrew's House, Edinburgh  
14th January 2016

*SHONA ROBISON*  
A member of the Scottish Government

## SCHEDULE 1

Article 2(1)

## Provisions coming into force on 1st April 2016

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purposes)</i>
Sections 108 to 110 insofar as those sections are not already in force, with the exception of the insertion of section 10Z9(1) (a) of the National Health Service (Scotland) Act 1978 as that section applies to persons providing an independent clinic <sup>(2)</sup>	Healthcare: scrutiny and improvement	For all purposes, with the exception of Healthcare Improvement Scotland's functions relating to (a) independent medical agencies; and (b) independent ambulance services <sup>(3)</sup>

## SCHEDULE 2

Article 2(2)

## Provisions coming into force on 1st April 2017

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>(provisions of the Act)</i>	<i>(subject matter)</i>	<i>(purposes)</i>
Sections 108 to 110 insofar as those sections are not already in force.	Healthcare: scrutiny and improvement	For all purposes, with the exception of Healthcare Improvement Scotland's functions relating to— (a) independent medical agencies; and (b) independent ambulance services

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

This Order brings sections 108 to 110 of the Public Services Reform (Scotland) Act 2010 (“the Act”) further into force with certain exceptions. Sections 108 to 110 relate to health care: scrutiny

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(3) “Independent medical agency” and “independent ambulance service” have the meaning given to them in section 10F(2) of the 1978 Act.

(2) “Independent clinic” has the meaning given in section 10F(2) of the National Health Service (Scotland) Act 1978 (c.29) (“the 1978 Act”).

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and improvement and have already been commenced as regards Healthcare Improvement Scotland's ("HIS") functions in relation to independent hospitals and private psychiatric hospitals. The effect of this Order is that HIS's functions in relation to independent clinics are commenced. The insertion of section 10Z9(1)(a) is not commenced until 1st April 2017 so that, while independent clinics will be subject to regulation by HIS from 1st April 2016 and can be registered from that date, it is not an offence not to register. The offence provision comes into force on 1st April 2017.

Sections 103, 109, 132, 133 and 134 of the Act came into force on Royal Assent (28th April 2010).

#### **NOTE AS TO EARLIER COMMENCEMENT ORDERS**

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

The following provisions of the Act were brought into force by commencement orders made before the date of this Order:—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Sections 1 to 12 except section 3	1st August 2010	<a href="#">2010/221</a>
Section 3	15th August 2011	<a href="#">2011/278</a>
Section 13 (partially) for the purposes of the amendments and repeals commenced in Schedule 1 to <a href="#">S.S.I. 2011/30</a>	31st January 2011	<a href="#">22011/30</a>
Section 13 (partially) for the purposes of the amendment in Schedule 2 to <a href="#">S.S.I. 2011/30</a>	1st April 2011	<a href="#">22011/30</a>
Sections 14 to 30	1st August 2010	<a href="#">2010/221</a>
Sections 31 to 35	1st October 2010	<a href="#">2010/321</a>
Sections 36 to 43	1st July 2010	<a href="#">2010/221</a>
Section 44 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Sections 44 to 102 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Sections 104 to 106 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Section 44 to 106 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Section 107	1st August 2010	<a href="#">2010/221</a>
Section 108 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 110(1) (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Sections 108 to 110 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Sections 108 to 110 insofar as not already in force, with the exception of Healthcare Improvement Scotland's functions relating	1st April 2011	<a href="#">2011/122</a>

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
to independent clinics, independent medical agencies and independent ambulance services		
Section 111 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Section 111 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Section 111 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Sections 112 to 114	1st October 2010	<a href="#">2010/321</a>
Sections 115 to 117 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Sections 115 to 117 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Section 118	1st October 2010	<a href="#">2010/321</a>
Section 119	1st August 2010	<a href="#">2010/221</a>
Sections 120 to 128 except section 125	1st August 2010	<a href="#">2010/221</a>
Section 125 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Section 125 insofar as not already in force	1st November 2012	<a href="#">2012/218</a>
Section 129	1st August 2010	<a href="#">2010/221</a>
Sections 130 and 131	15th August 2011	<a href="#">2011/278</a>
Schedule 1	1st August 2010	<a href="#">2010/221</a>
Schedules 2 and 3	15th August 2011	<a href="#">2011/278</a>
Paragraph 1 of schedule 4 (partially), for the purposes of the amendments in Schedule 1 to <a href="#">S.S.I. 2011/30</a>	31st January 2011	<a href="#">22011/30</a>
Paragraph 9 of schedule 4 (partially) for the purposes of amendments in Schedule 1 to <a href="#">S.S.I. 2011/30</a>	31st January 2011	<a href="#">22011/30</a>
Paragraphs 2, 3, 8, 10, 11, 12, 13, 15 and 20 to 33 of schedule 4	31st January 2011	<a href="#">22011/30</a>
Paragraphs 4 to 7, 14 and 16 to 19 of schedule 4	1st April 2011	<a href="#">22011/30</a>
Schedules 5 to 7	1st August 2010	<a href="#">2010/221</a>
Schedule 8	1st October 2010	<a href="#">2010/321</a>
Schedules 9 and 10	1st July 2010	<a href="#">2010/221</a>
Schedule 11 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Schedule 11 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 11 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedule 12 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 12 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedule 13	1st October 2010	<a href="#">2010/321</a>
Schedule 14 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 14, with the exception of paragraph 35(a), insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedule 15	1st August 2010	<a href="#">2010/221</a>
Schedule 16 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Schedule 16 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 16 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedule 17 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 17 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedule 18 (partially) for the purpose of making appointments	1st August 2010	<a href="#">2010/221</a>
Schedule 18 (partially) for the purpose of making subordinate legislation	1st October 2010	<a href="#">2010/321</a>
Schedule 18 insofar as not already in force	1st April 2011	<a href="#">2011/122</a>
Schedules 19 and 20	31st October 2010	<a href="#">2010/321</a>