

SCHEDULE 1

(introduced by section 35)

MANAGERS OF AN ESTABLISHMENT

- 1 For the purposes of Part 4 “the managers” of an establishment means—
- (a) in relation to a hospital vested in the Scottish Ministers under the National Health Service (Scotland) Act 1978 (c. 29), the Health Board responsible for the administration of that hospital;
 - (b) in relation to a hospital managed by a National Health Service trust established under section 12A of the said Act of 1978, the directors of the trust;
 - (c) in relation to a State hospital—
 - (i) the Scottish Ministers; or
 - (ii) if a State Hospital Management Committee has been appointed to manage that hospital, that Committee; or
 - (iii) if the management of that hospital has been delegated to a Health Board, to a Special Health Board, to a National Health Service trust or to the Common Services Agency for the Scottish Health Service, that Board, trust or Agency, as the case may be, or any person appointed by the Board, trust or agency, as the case may be, to manage the hospital;
 - (d) in relation to a private hospital registered under Part IV of the 1984 Act and an unregistered hospital, the person or persons carrying on the hospital or any other person appointed by that person or persons to manage the hospital;
 - (e) in relation to a residential establishment provided by a local authority under section 59 of the Social Work (Scotland) Act 1968 (c. 49), the local authority or any person appointed by the local authority to manage the establishment;
 - (f) in relation to an establishment in respect of which there is registration under section 62 or 63 of the said Act of 1968, the person registered in respect of it or any person appointed by that person to manage the establishment provided that the person so appointed has been named in the application for registration as a person who may be so appointed;
 - (g) in relation to a nursing home in respect of which there is registration under the Nursing Homes Registration (Scotland) Act 1938 (c. 73), the person registered in respect of it or any person appointed by that person to manage the nursing home provided that the person so appointed has been named in the application as a person who may be so appointed.
- 2 The Scottish Ministers may by regulations amend the list of managers in paragraph 1.