



# Public Appointments and Public Bodies etc. (Scotland) Act 2003

## 2003 asp 4

### PART 2

#### PROVISION AS TO CERTAIN PUBLIC BODIES ETC.

##### *Health Service bodies*

#### **7 Investment and borrowing**

- (1) A Health Board has the following powers—
- (a) the like powers in relation to its funds as trustees have, in relation to their trust estate, under section 4(1) of the Trusts (Scotland) Act 1921 (c. 58); and
  - (b) power to purchase and lease land and to invest in any security in which trustees are authorised to invest under or in pursuance of the Trusts (Scotland) Act 1921 and the Trustee Investments Act 1961 (c. 62) and—
    - (i) to retain any investment which it from time to time receives;
    - (ii) to make a narrower-range investment falling within Part II of Schedule 1 to the Trustee Investments Act 1961 without first obtaining advice as required by section 6 of that Act; and
    - (iii) to invest in the units of a unit trust scheme or in participation certificates or in any form of participation under any trust or scheme having the effect of enabling persons to participate in the profits and income arising from the acquisition, holding, management or disposal of securities or of land.
- (2) A Health Board must obtain advice on any investment under subsection (1) from a person whom the Board considers to be qualified to give such advice by the person's ability in, and practical experience of, financial matters; and, where the person is not an officer or employee of the Board, the advice may be given on such terms as the Board and the person may agree to.
- (3) A Health Board may borrow from any endowment held by it provided that the endowment does not relate to—

---

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Appointments and Public Bodies etc. (Scotland) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

---

- (a) the services provided by another Health Board; or
  - (b) any service which it is the function of an NHS trust to make arrangements for, administer or provide.
- (4) A Health Board may make loans to another Health Board from any endowment held by the Board provided that the endowment relates to the services provided by that other Board; and that other Health Board may borrow accordingly.
- (5) A Health Board may make loans to any NHS trust from any endowment held by the Board provided that the endowment relates to any service which it is the function of the trust to make arrangements for, administer or provide; and the NHS trust may borrow accordingly.
- (6) An NHS trust may borrow from any endowment held by the trust.
- (7) Any loans or borrowing under subsections (3) to (6) require the consent of the Scottish Ministers.
- (8) The Scottish Ministers may by regulations make provision as to the terms and conditions to apply to any such loans or borrowing.

**Annotations:**

**Commencement Information**

- I1** S. 7(1)-(7) in force at 12.2.2004 by S.S.I. 2003/602, **art. 2(4)(b)**
- I2** S. 7(8) in force at 1.1.2004 by S.S.I. 2003/602, **art. 2(1)**

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Public Appointments and Public Bodies etc. (Scotland) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to :**

- s. 7(3)(b) and word repealed by 2004 asp 7 sch. 2
- s. 7(5) repealed by 2004 asp 7 sch. 2
- s. 7(6) repealed by 2004 asp 7 sch. 2
- s. 7(7) words substituted by 2004 asp 7 sch. 1 para. 4(2)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act transfer of functions by 2010 asp 11 s. 2(2)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(2A) inserted by 2010 asp 11 s. 29(9)
- sch. 1 Pt. 7 para. 68 repealed by 2010 asp 8 s. 7(4)

**Commencement Orders yet to be applied to the Public Appointments and Public Bodies etc. (Scotland) Act 2003**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2006/2541 art. 2 commences (2006 c. 16)
- S.I. 2010/2169 art. 4Sch. commences (2010 c. 29)
- S.S.I. 2006/31 art. 2 commences (2005 asp 7)
- S.S.I. 2006/189 art. 2Sch. commences (2005 asp 10)
- S.S.I. 2006/607 art. 3Sch. commences (2006 asp 10)
- S.S.I. 2007/47 art. 2 commences (2006 asp 15)
- S.S.I. 2007/479 art. 3Sch. commences (2007 asp 6)
- S.S.I. 2007/497 art. 2 commences (2007 asp 5)
- S.S.I. 2009/192 art. 2Sch. commences (2008 asp 6)
- S.S.I. 2010/221 art. 3Sch. commences (2010 asp 8)
- S.S.I. 2010/321 art. 3Sch. commences (2010 asp 8)
- S.S.I. 2011/96 art. 2Sch. commences (2010 asp 17)
- S.S.I. 2011/122 art. 2Sch. commences (2010 asp 8)