



# Smoking, Health and Social Care (Scotland) Act 2005

2005 asp 13

## PART 6

### MISCELLANEOUS

#### *Joint ventures*

#### 37 Joint ventures

(1) After section 84A of the 1978 Act, insert—

#### *“Joint ventures*

#### **84B Joint ventures**

- (1) The Scottish Ministers may do any (or all) of the following—
- (a) form or participate in forming companies to provide facilities or services for persons or groups of persons exercising functions, or otherwise providing services, under this Act;
  - (b) participate in companies providing facilities or services for persons or groups of persons falling within paragraph (a);
  - (c) with a view to securing or facilitating the provision by companies of facilities or services for persons or groups of persons falling within paragraph (a)—
    - (i) invest in the companies (whether by acquiring assets, securities or rights or otherwise);
    - (ii) provide loans and guarantees and make other kinds of financial provision to or in respect of them.
- (2) For the purpose of subsection (1), it is immaterial that the facilities or services provided or to be provided by a company are not provided or to be provided—

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*Changes to legislation: There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 37. (See end of Document for details)*

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- (a) only to persons or groups of persons exercising functions, or otherwise providing services, under this Act; or
- (b) to such persons or groups of persons only in that capacity.

(3) In this section—

“companies” means companies within the meaning of the Companies Act 1985 (c. 6);

“facilities” includes the provision of (or the use of) premises, goods, equipment, materials, vehicles, plant or apparatus.”.

(2) After section 7(7B) of the Health and Medicines Act 1988 (c. 49) (powers of the Secretary of State for financing the health service), insert—

“(7C) The power specified in paragraph (g) of subsection (2) above includes power for the Scottish Ministers—

- (a) to form or participate in forming companies,
- (b) to—
  - (i) participate in companies,
  - (ii) invest in companies (whether by acquiring assets, securities or rights or otherwise),
  - (iii) provide loans and guarantees and make other kinds of financial provision to or in respect of companies,

where it appears to them that to do so is calculated to facilitate, or to be conducive or incidental to, the exercise of any power conferred by that subsection.

(7D) In subsection (7C) above “companies” means companies within the meaning of the Companies Act 1985; and that subsection is without prejudice to the generality of subsection (2) above.”.

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**Commencement Information**

**II** S. 37 in force at 17.10.2005 by S.S.I. 2005/492, art. 3(a), Sch. 1

**Changes to legislation:**

There are currently no known outstanding effects for the Smoking, Health and Social Care (Scotland) Act 2005, Section 37.