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SCOTTISH STATUTORY INSTRUMENTS

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**1999 No. 92**

**NATIONAL HEALTH SERVICE**

**The Borders Primary Care National Health Service  
Trust (Establishment) Amendment Order 1999**

*Made - - - - 29th September 1999*

*Coming into force - - 1st October 1999*

The Scottish Ministers, in exercise of the powers conferred on them by section 12A(1) and (4) of, and paragraphs 1 and 3(1)(b) and (c) of Schedule 7A to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Borders Primary Care National Health Service Trust (Establishment) Amendment Order 1999 and shall come into force on 1st October 1999.

(2) In this Order “the principal Order” means the Borders Primary Care NHS Trust (Establishment) Order 1998(2).

**Amendment of the principal Order**

2.—(1) For article 3 of the principal Order there is substituted—

**“Nature and functions of the trust**

3.—(1) The trust is established for the purpose specified in section 12A(1) of the Act.

(2) The trust’s functions shall be—

- (a) to provide goods and services for the purpose of the Health Service at, from or through hospital accommodation and facilities at Kelso Hospital, Kelso and Hay Lodge Hospital, Peebles, and at establishments associated with those hospitals, and also including the management of any teaching and research facilities associated with those facilities and the support services related thereto;

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(1) 1978 c. 29; section 12A(1) and (4) was inserted by the National Health and Community Care Act 1990 (c. 19) (“the 1990 Act”), section 31 and amended by the Health Act 1999 (c. 8) (“the 1999 Act”), section 46; Schedule 7A was inserted by the 1990 Act, Schedule 6 and was amended by the 1999 Act, Schedule 4, paragraph 62. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(2) S.I. 1998/2709.

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- (b) insofar as not included in paragraph (a) above, to make arrangements for the provision of services mentioned in Part II of the Act; and
- (c) to carry out the primary and community health care functions of Borders Health Board under the following Regulations—
  - (i) The National Health Service (Dental Charges) (Scotland) Regulations 1989(3);
  - (ii) The National Health Service (Optical Charges and Payments) (Scotland) Regulations 1998(4);
  - (iii) The National Health Service (Charges for Drugs and Appliances) (Scotland) Regulations 1989(5);
  - (iv) The National Health Service (Travelling Expenses and Remission of Charges) (Scotland) Regulations 1988(6).”.

(2) In article 4 of the principal Order (directors of the trust) for the words “non-executive directors” there is substituted “trustees”.

St Andrew’s House,  
Edinburgh  
29th September 1999

*IAIN GRAY*  
Authorised to sign by the Scottish Ministers

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(3) S.I. 1989/363, to which there are amendments not relevant to this Order.  
(4) S.I. 1998/642, to which there are amendments not relevant to this Order.  
(5) S.I. 1989/326, to which there are amendments not relevant to this Order.  
(6) S.I. 1988/546, to which there are amendments not relevant to this Order

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## **EXPLANATORY NOTE**

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

This Order amends the Borders Primary Care National Health Service Trust (Establishment) Order 1998 (S.I. [1998/2709](#)) to substitute a new article 3 relating to the nature and functions of the trust and to amend article 4 to substitute a reference to “trustees” for the reference to “non-executive directors”