

**2003 No. 154**

**NATIONAL HEALTH SERVICE**

**The Health Education Board for Scotland Amendment  
Order 2003**

*Made* 6th March 2003

*Laid before the Scottish Parliament* 10th March 2003

*Coming into force* 1st April 2003

The Scottish Ministers, in exercise of the powers conferred by sections 2(1)(b), (1B), (1C) and 105(6) and (7) of the National Health Service (Scotland) Act 1978(a) and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and commencement**

1. This Order may be cited as the Health Education Board for Scotland Amendment Order 2003 and shall come into force on 1st April 2003.

**Interpretation**

2. For the purposes of this Order, “the principal Order” means the Health Education Board for Scotland Order 1990(b).

**Amendment of article 2 of the principal Order**

3. In article 2(1) of the principal Order in the definition of “the Board” for “the Health Education Board for Scotland” substitute “NHS Health Scotland”.

**Amendment of article 3 of the principal Order**

4. In article 3 of the principal Order for “the Health Education Board for Scotland” substitute “NHS Health Scotland”.

**Amendment of article 4 of the principal Order**

- 5.—(1) In article 4(1) of the principal Order, after sub-paragraph (a) insert—  
“*(aa)* functions in relation to the provision of research and development services in the field of public health conferred upon the Scottish Ministers by the Act”.
- (2) In article 4(2)(d) of the principal Order omit—  
“disregarding so much of that sub-section as relates to the function of the Secretary of State to authorise certain officers to execute instruments on his behalf”.

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(a) 1978 c.29; section 2(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41) (“the 1983 Act”), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c.19) (“the 1990 Act”), section 28 which inserted sub-sections (1)(b), (1B) and (1C); section 105(7) was amended by the Health Services Act 1980 (c.53), Schedule 6, paragraph 5(1) and Schedule 7, the 1983 Act, Schedule 9, paragraph 24, and the Health Act 1999 (c.8) (“the 1999 Act”), Schedule 4, paragraph 60. 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).

(b) S.I. 1990/2639.

- (3) In article 4(3) of the principal Order for sub-paragraph (b) substitute–  
“(b) that, where any such instrument requires to be executed by the Scottish Ministers it is executed by a member of the Scottish Executive in accordance with paragraph 6 of Schedule 2 to the Requirements of Writing (Scotland) Act 1995(a)”.

#### **Amendment to Part 1 of the Schedule to the principal Order**

6. In Part 1 of the Schedule to the principal Order–
- (a) after the entry relating to section 13 insert–
    - (i) in column 1, “Section 13A”; and
    - (ii) in column 2, opposite thereto, “Co-operation in planning of the services for disabled persons, the elderly and others(b)”;
  - (b) omit the entries relating to sub-section (1A) of section 79;
  - (c) after the entry relating to section 84A insert–
    - (i) in column 1, “section 85AA”; and
    - (ii) in column 2, opposite thereto, “Means of meeting expenditure of health boards out of public funds(c)”;
  - (d) after the entry relating to paragraph 5 of Schedule 1 insert–
    - (i) in column 1, “paragraph 5A”; and
    - (ii) in column 2, opposite thereto “Provision concerning regulations and directions made under paragraph 5 above(d)”.

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(a) 1995 c.7; Minister is defined for the purposes of paragraph 6 in section 12(1) of that Act and includes a member of the Scottish Executive further to the amendment by paragraph 31(a) of Schedule 8 to the Scotland Act 1998 (c.46).  
(b) Section 13A of the National Health Service (Scotland) Act 1978 (c.29) (“the 1978 Act”) was inserted by the National Health Service (Amendment) Act 1986 (c.66) section 5(1) and amended by the 1990 Act, Schedule 9, paragraph 19(5).  
(c) Section 85AA of the 1978 Act was inserted by the 1999 Act, section 52.  
(d) Paragraph 5A of Schedule 1 to the 1978 Act was inserted by the 1983 Act, Schedule 7, paragraph 4 and amended by the 1990 Act, Schedule 5, paragraph 4.

### Amendment of Part III of the Schedule to the principal Order

7. In Part III of the Schedule to the principal Order—
- (a) omit the entries relating to the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1974(a);
  - (b) omit the entries relating to the National Health Service (Appointment of Consultants and Community Medicine Specialists) (Scotland) Regulations 1986(b); and
  - (c) at the end insert—

Column 1 <i>Enactments and Provisions</i>	Column 2 <i>Nature of Provision</i>	Column 3 <i>Modifications and Limitations (where applicable)</i>
The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991(c)	The determination of remuneration and conditions of service of officers of Health Boards	
The National Health Service (Appointment of Consultants) (Scotland) Regulations 1993(d)	Appointment as an officer of a Health Board of any registered medical or dental practitioner to the post of consultant	
The Health Boards (Membership and Procedure) (Scotland) Regulations 2001(e)	Provision as to the membership of, and procedure to be applied by, Health Boards	

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

St Andrew's House,  
Edinburgh  
6th March 2003

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(a) S.I. 1974/276.  
(b) S.I. 1986/944, repealed by S.I. 1993/994, regulation 10.  
(c) S.I. 1991/537.  
(d) S.I. 1993/994.  
(e) S.S.I. 2001/302.

## EXPLANATORY NOTE

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

This Order amends the Health Education Board for Scotland Order 1990 (“the principal Order”) which constituted a Special Health Board (known as the “Health Education Board for Scotland”).

In particular—

article 3 of this Order amends the interpretation provisions in article 2 of the principal Order so that references to “the Board” are to be interpreted as references to “NHS Health Scotland”.

article 4 amends the principal Order to change the name of the Special Health Board created by the principal Order to “NHS Health Scotland”.

article 5 adds a new function to the existing functions of the Special Health Board constituted by the principal Order.

In addition this Order amends article 4 and the Schedule to the principal Order to delete references to legislation that is no longer applicable and to apply certain legislation.

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