
SCOTTISH STATUTORY INSTRUMENTS

2004 No. 15

NATIONAL HEALTH SERVICE

**The National Health Service (Transfer of Property
between Health Boards) (Scotland) Regulations 2004**

Made - - - - 22nd January 2004
*Laid before the Scottish
Parliament* - - - - 23rd January 2004
Coming into force - - 13th February 2004

The Scottish Ministers, in exercise of the powers conferred on them by section 5(4) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the National Health Service (Transfer of Property between Health Boards) (Scotland) Regulations 2004 and shall come into force on 13th February 2004.

(2) In these Regulations—

“the Act” means the Public Appointments and Public Bodies etc. (Scotland) Act 2003; and

“Trust property” has the same meaning as in section 5 of the Act.

Conditions of transfer of former Scottish Hospital Trust property

2. The conditions subject to which a Health Board may transfer Trust property to another Health Board under section 5(4) of the Act are—

(a) not less than 28 days before the proposed date of transfer by the Health Board which is to make the transfer, that Health Board must notify the Scottish Ministers in writing of the proposed transfer and supply them with the following information—

(i) the name and principal office of the Health Board to which the property is to be transferred;

(ii) an estimate of the capital value of the property to be transferred as at the date of the notification;

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- (iii) the reason for the proposed transfer;
 - (iv) the specific purpose to which the income from the property to be transferred is to be put; and
 - (v) whether the period of the transfer is, or is not, for a fixed term and the date on which the property is to be returned, if that has been specified; and
- (b) where the property transferred is to be returned to the Health Board which made the transfer on a specified date, that Health Board must, within 28 days after the specified date, notify the Scottish Ministers in writing whether or not the property has been returned and the conditions of the transfer have been complied with.

St Andrew's House, Edinburgh
22nd January 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

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EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision for the conditions subject to which endowment and other property that was formerly held by the Scottish Hospital Trust may be transferred between Health Boards.