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SCOTTISH STATUTORY INSTRUMENTS

2004 No. 45 (C. 4)

**PUBLIC BODIES
NATIONAL HEALTH SERVICE**

**The Public Appointments and Public Bodies etc. (Scotland)
Act 2003 (Commencement No. 4) Amendment Order 2004**

Made - - - - 2nd February 2004

The Scottish Ministers, in exercise of the powers conferred by section 21(2) and (3) 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 Order:

Citation and interpretation

1.—(1) This Order may be cited as the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Commencement No. 4) Amendment Order 2004.

(2) In this Order, “the 2003 Order” means the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Commencement No. 4) Order 2003(2).

Amendment of the 2003 Order

2.—(1) For article 1(2) of the 2003 Order, substitute—

“(2) In this Order—

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

“the main transfer of Trust property” has the same meaning as in the Scottish Hospital Trust (Transfer of Property) Regulations 2004(3).”

(2) For article 2(3) of the 2003 Order, substitute—

“(3) The day appointed for the coming into force of section 5(1) is—

(1) 2003 asp 4.
(2) S.S.I. 2003/602.
(3) S.S.I. 2004/46.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) 12th February 2004 for the purpose of the transfer to and vesting in Health Boards of the property comprised in the main transfer of Trust property; and
- (b) 31st March 2004 for all other purposes.”.

St Andrew’s House, Edinburgh
2nd February 2004

MALCOLM CHISHOLM
A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Commencement No. 4) Order 2003 (“the 2003 Order”).

Article 2(3) of the 2003 Order provides that section 5(1) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (“the Act”) should come into force on 12th February 2004 in relation to the transfer to and vesting in the Health Boards of the main transfer of Trust property within the meaning of regulation 2(1) of the Scottish Hospital Trust (Transfer of Property) Regulations 2004 (“the 2004 Regulations”), and on 31st March 2004 for all other purposes.

The 2004 Regulations were not made when the 2003 Order was made, but have since been made. In order to cure any potential defect from such a forward reference, this Order substitutes new articles 1(2) and 2(3) which refers to the 2004 Regulations as made. The dates appointed for the coming into force of section 5(1) of the Act remain the same.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been, or are being, brought into force by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 4(a) and (b)	31st May 2003	2003/219
Section 4(c)	6th February 2004	2003/602
Section 4(e)	15th August 2003	2003/384
Section 5(1) (partially)(4)	12th February 2004	2003/602
Section 5(1) (partially)(4)	31st March 2004	2003/602
Section 5(2)–(6)	1st January 2004	2003/602
Section 5(15)	6th February 2004	2003/602
Section 6	12th February 2004	2003/602
Section 7 (partially)	12th February 2004	2003/602
Section 7(8)	1st January 2004	2003/602
Section 8	1st January 2004	2003/602
Sections 9 and 10	12th February 2004	2003/602
Sections 11 to 14	15th August 2003	2003/384
Sections 15 and 16	1st June 2003	2003/219

(4) The provisions of article 2(3) of S.S.I. 2003/602 are substituted by article 2(2) of this Order.

(4) The provisions of article 2(3) of S.S.I. 2003/602 are substituted by article 2(2) of this Order.

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 17 (partially)	31st May 2003	2003/219
Section 17 (partially)	1st June 2003	2003/219
Section 17 (partially)	15th August 2003	2003/348
Schedule 3	5th July 2003	2003/348
Schedule 4–		
Paragraphs 2, 4(a) and (b), 6, 10, 13, 17(b)(i) and (ii)	31st May 2003	2003/219
Paragraph 17(c)(ii)	1st June 2003	2003/219
Paragraphs 1, 3(b), 4(e), 7, 9, 12, 15(b) and 17(b)(iii)	15th August 2003	2003/348