
SCOTTISH STATUTORY INSTRUMENTS

2006 No. 33

The National Health Service (Variation of the Areas of Greater Glasgow and Highland Health Boards) (Scotland) Order 2006

PART 4

TRANSFER OF PROPERTY AND OTHER RIGHTS AND LIABILITIES

Scheme as to the transfer of property and other rights and liabilities

7.—(1) Greater Glasgow and Highland Health Boards shall use their best endeavours to agree and make a scheme, on such terms and subject to such conditions (if any) as may be so agreed as to which of Greater Glasgow or Highland Health Boards—

- (a) the property (whether designated by item or by category) ; and
- (b) all other rights and liabilities (whether designated individually or by category),

of Argyll and Clyde Health Board shall transfer and vest in on 1st April 2006.

(2) The scheme shall have effect to transfer the property to, and vest such property in, Greater Glasgow or Highland Health Board (as the case may be), and to transfer the other rights and liabilities of Argyll and Clyde Health Board to Greater Glasgow or Highland Health Board (as the case may be), in whom such rights and liabilities shall vest in accordance with the scheme's terms with effect from 1st April 2006.

(3) In the absence of agreement between Greater Glasgow and Highland Health Boards as to which of them any property or any other rights or liabilities of Argyll and Clyde Health Board shall transfer, or as to the terms and conditions of such transfer, such property shall transfer to, and vest in, and such other rights and liabilities (as the case may be) shall transfer to and vest in Greater Glasgow Health Board with effect from 1st April 2006, on (so far as is applicable and legally possible) the same terms and conditions as they were held by Argyll and Clyde Health Board immediately prior to that date.

(4) Greater Glasgow Health Board and Highland Health Board shall hold any endowment property transferred to them in terms of Article 7(2) or (in the case of Greater Glasgow Health Board) Article 7(3)), on trust as endowment funds.

Duties in relation to the making of the scheme as to the transfer of property and criteria to be considered

8.—(1) It shall be the duty of Greater Glasgow and Highland Health Boards in agreeing and making the scheme under article 7(1) to ensure that property situated in, or other rights and liabilities as respects, a place which will (following the variation of area in accordance with article (3)) be within the area of Greater Glasgow or Highland Health Board respectively, transfers to which of those Health Boards as will be the Health Board for that place.

(2) Where it appears to Greater Glasgow and Highland Health Board that the criterion in paragraph (1) is not adequate to designate to which of Greater Glasgow or Highland Health Boards

any property or any other rights and liabilities are to transfer to and vest in, they may apply other criteria in respect of such property or other rights and liabilities as they think appropriate.

(3) It shall be the duty of Argyll and Clyde Health Board to co-operate with Greater Glasgow and Highland Health Boards in the preparation of the scheme under article 7(1), and to provide Greater Glasgow and Highland Health Boards with all information held by it, or on its behalf which Greater Glasgow and Highland Health Boards require to prepare and implement such scheme.

Publication of Schemes

9.—(1) It shall be the duty of Argyll and Clyde, Greater Glasgow and Highland Health Boards to publish a summary of the scheme made under article 4(1) (which summary shall not include the names of individual employees) no later than 31st March 2006 on the web-sites of each of these Health Boards, in at least one national newspaper circulating throughout Scotland, and in at least one local newspaper circulating in each of the Health Board areas.

(2) It shall be the duty of Argyll and Clyde, Greater Glasgow and Highland Health Boards to publish the scheme made under article 7(1) no later than 31st March 2006 on the web-sites of each of these Health Boards, in at least one national newspaper circulating throughout Scotland, and in at least one local newspaper circulating in each of the Health Board areas.