

SCHEDULES

SCHEDULE 1

Enactments applied to the Board

PART 1

The Act

| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
|-------------------------------|-----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| In the Act— | | |
| In part 1— | Organisation | |
| In section 2— | Health Boards | |
| Subsection (3) | Variation of area of Health Board | |
| Subsection (4) | Provision incidental to variation of area of Health Board | |
| Subsection (5) | Health Boards to act in accordance with regulations or directions ⁽¹⁾ | |
| Subsection (8) | Health Board to act as principal | |
| In section 10— | Common Services Agency | |
| Subsection (4) | Power to provide that functions of Health Boards may be referred to the Agency ⁽²⁾ | |
| Section 12J | Co-operation with other Health Boards, Special Health Boards and the Agency ⁽³⁾ | In subsection (1) for “one another” substitute “Health Boards”. In subsection (2)(a) for “another” substitute “a”. |

(1) Section 2(5) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(1).

(2) Section 10(4) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(2) and schedule 10, paragraph 1 and the Health Act 1999 (c.8), schedule 4, paragraph 44.

(3) Section 12J was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7), section 5.

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| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| | | Omit “other”. In subsection (2)(b) omit “other”. In subsection (3)(a) for “another” substitute “a”. |
| Section 12K | Power of Health Board to carry out other Health Board’s functions(4) | For “another” substitute “a”. After “Health Board” insert “or Special Health Board” each time it appears. |
| Section 13 | Co-operation between Health Boards and other Authorities(5) | After “integration joint boards” insert “, Health Boards”. |
| Section 13A | Co-operation in planning of services for disabled persons, the elderly and others(6) | After “(including HIS” insert “and Health Boards”. |
| In section 15— | Supply of goods and services to local authorities, etc. | |
| Subsection (1)(b) | Supply etc. of equipment, goods or materials to local and education authorities, government departments and other public bodies | |
| Subsection (1)(c) | Provision of services to local and education authorities(7) | |
| Subsection (1)(d) | Use of health service premises by local and education authorities | |
| Subsection (1)(e) | Use of health service vehicles etc. by local and education authorities(8) | |
| Subsection (2) | Arrangements with third parties for the supply of equipment, goods and materials(9) | For “paragraphs (a) and” substitute “paragraph”. |

(4) Section 12K was inserted by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 67.

(5) Section 13 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(4), the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 5 and S.S.I. 2015/157.

(6) Section 13A was inserted by the National Health Service (Amendment) Act 1986 (c. 66), section 5(1) and amended by the National Health Service and Community Care Act 1990 (c. 19), section 66, schedule 9, paragraph 19(5) and schedule 10, paragraph 1 and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 6.

(7) Section 15(1)(c) was amended by the Health Services Act 1980 (c.53), section 3(2) and the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(a)(i).

(8) Section 15(1)(e) was amended by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(a)(ii).

(9) Section 15(2) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 7(b) and the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(c).

| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
|-------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------------|
| | | Omit paragraph (a) to “subsection (1A)”. |
| Section 16A | Power to make payments towards expenditure on community services(10) | |
| In part IV— | Powers of the Scottish Ministers | |
| Section 77 | Default powers(11) | |
| Section 78B | Relationship of sections 77, 78 and 78A(12) | |
| In part V— | Property and Finance | |
| In section 79— | Purchase of land and moveable property | |
| Subsection (3) | Power to acquire moveable property on behalf of the Scottish Ministers(13) | |
| In section 83— | Power of Health Boards and local health councils to hold property on trust | |
| Subsection (1) | Power to hold property on trust(14) | |
| Subsection (1A) | Power to hold property on trust(15) | |
| Section 84 | Power of trustees to make payments to Health Boards(16) | |

(10) Section 16A was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 2, the Housing (Consequential Provisions) Act 1985 (c.71), section 4(1) and schedule 23, paragraph 41, the Local Government etc. (Scotland) Act 1994 (c.39), schedule 13, paragraph 112(2) and schedule 14, the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), schedule 3, paragraph 2 and S.I 1996/974.

(11) Section 77 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(14), the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), schedule 4, paragraph 5(11), the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 3 and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 9.

(12) Section 78B was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7), section 6.

(13) Section 79(3) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 11.

(14) Section 83(1) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 12(a).

(15) Section 83(1A) was inserted by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), section 10(3).

(16) Section 84 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(16) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 13.

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| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
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| Section 84A | Power to raise money and property by appeals, collections and other similar activities(17) | |
| Section 84B | Joint ventures(18) | |
| Section 85AA | Means of meeting expenditure of health boards out of public funds(19) | |
| In section 85A | Financial duties of bodies referred to in section 85 | |
| Subsection (4) | Disregard for the purposes of the section of certain trust funds(20) | |
| Section 86 | Provision in relation to the keeping and auditing of accounts and their submission to the Scottish Ministers(21) | |
| Section 87 | Power to make regulations as to financial arrangements of health service bodies(22) | |
| In schedule 1– | Health Boards | |
| Paragraph 1 | Health Boards to be bodies corporate and have a common seal | |
| In paragraph 2 | Appointment of Chairman and members(23) | |
| Sub-paragraph (1) | Health Boards to consist of certain types of members | In sub-paragraph 1(b), omit “following nomination” to the end. |

(17) Section 84A was inserted by the Health Services Act 1980 (c.53), section 5(2) and amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(17) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 14.

(18) Section 84B was inserted by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 37(1) and was amended by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 66.

(19) Section 85AA was inserted by the Health Act 1999 (c.8), section 52 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), schedule 1, paragraph 1(16) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 15.

(20) Section 85A(4) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 17.

(21) Section 86 was amended by the National Health Service and Community Care Act 1990 (c.19), section 36 and schedule 10, paragraph 1, the Health Act 1999 (c.8), schedule 5, paragraph 1, the Public Finance and Accountability (Scotland) Act 2000 (asp 1), schedule 4, paragraph 4(3), the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 19.

(22) Section 87 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 20.

(23) Paragraph 2 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), sections 1(2) and 6(4).

| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Paragraph 3A | Chairman may not be an employee of that Health Board(24) | |
| Paragraph 4 | Payment of remuneration to the Chairman and such members of Health Boards as may be prescribed(25) | |
| Paragraph 5 | Employment of officers and servants(26) | |
| Paragraph 5A | Provision concerning regulations and directions made under paragraph 5 above(27) | |
| Paragraph 6 | Power to make regulations as to method of appointment, qualifications, remuneration and conditions of service of officers and servants | |
| Paragraph 7 | Officers and servants employed in accordance with regulations and directions(28) | |
| Paragraph 7A | Power to make regulations providing for transfer of officers and servants(29) | In sub-paragraph (a) for “another” substitute “a”. After sub-paragraph (a), insert “(aa) another Special Health Board;”. |
| Paragraph 7B | Directions to Health Boards to place officers or servants at disposal of other bodies(30) | |
| Paragraph 11 | Power to make regulations as to appointments, committees and procedure(31) | |

(24) Paragraph 3A was inserted by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(5).

(25) Paragraph 4 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), schedule 1, paragraph 1.

(26) Paragraph 5 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(2) and schedule 7.

(27) Paragraph 5A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 14(2) and schedule 7, paragraph 4(1) and amended by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 4.

(28) Paragraph 7 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(3).

(29) Paragraph 7A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 5.

(30) Paragraph 7B was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 5.

(31) Paragraph 11 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(4) and schedule 7, the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 7 and the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(7).

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| Column 1 Enactment | Column 2 Nature of Provision | Column 3 Modifications and Limitations (where applicable) |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Paragraph 11A | Subscription to funds of other bodies(32) | |
| Paragraph 12 | Proceedings not to be invalidated by vacancies(33) | |
| Paragraph 13 | Payment to members of a Health Board and its committees and sub-committees of travelling and other allowances, including compensation for loss of remunerative time | Omit “, including compensation for loss of remunerative time,”. |
| Paragraph 14 | Allowances not payable except in circumstances determined by the Scottish Ministers | |
| Paragraph 15 | Time and method of payment of allowances | |
| In schedule 5— | The Agency | |
| Paragraph 7B | Power to make regulations providing for the transfer of officers and servants(34) | |
| Paragraph 7C | Power to make directions as to placing of staff with other bodies(35) | |

(32) Paragraph 11A was inserted by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(5).

(33) Paragraph 12 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(8).

(34) Paragraph 7B was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 11.

(35) Paragraph 7C was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 11.