



National Health Service (Scotland) Act 1972

1972 CHAPTER 58

PART VI

HOSPITAL ENDOWMENTS AND OTHER TRUST PROPERTY

39 Transfer of property held on trust by local health authorities

- (1) All property, including the accumulated income thereof, held on trust immediately before the appointed day by a local health authority for the purposes of their health functions within the meaning of section 27(1) of this Act, shall on that day be transferred to and vest in the Health Board which administers the services formerly provided by the authority concerned, and shall vest in the Health Board free of any trust existing immediately before the appointed day.
- (2) Where the area of a local health authority is divided between two or more Health Boards, the division of the property and income mentioned in subsection (1) above between the Health Boards shall be determined in accordance with an order made by the Secretary of State.
- (3) The property and income transferred under subsection (1) or (2) above shall be held by the Health Board on trust for such purposes relating to services provided by them under the Health Service Acts or to the functions of the Board with respect to research, as the Board may think fit, but the Board shall secure, so far as is reasonably practicable, that the objects of the trust, and the observance of any conditions attaching thereto, including, in particular, conditions intended to preserve the memory of any person or class of persons, are not prejudiced by the exercise of the power hereby conferred.