



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

Agency for Secretary of State and other bodies

10 Common Services Agency.

(1) There shall be constituted a body, to be called the Common Services Agency for the [F¹Scottish Health Service] (hereafter in this Act referred to as “the Agency”), F²...

[F³(1A) The Agency has the functions conferred on it by—

- (a) this Act, and
- (b) section 62 of the Public Bodies (Joint Working) (Scotland) Act 2014.]

(2) Schedule 5 shall have effect in relation to the Agency.

(3) The Secretary of State may by order delegate to the Agency such of his functions [F⁴relating to the health service] as he considers appropriate.

(4) After consultation with . . . F⁵, the Health Boards [F⁶the NHS trusts]and any other interests which appear to the Secretary of State to be concerned, the Secretary of State, where he considers it expedient for the efficient discharge of the functions of the Health Boards [F⁷or of the NHS trusts], may by order provide that the performance of such functions as he may determine shall stand referred to the Agency and be discharged by it on behalf of any or all of the Health Boards [F⁸or NHS trusts].

(5) The Secretary of State may by order withdraw from the Agency any function delegated or referred to it under this section.

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- (6) The Agency shall provide such services and carry out such tasks for bodies associated with the health service as the Secretary of State and those bodies may agree, and on such terms and conditions as may be agreed.
- (7) In carrying out its functions the Agency shall act subject to, and in accordance with, such directions as may be given by the Secretary of State.
- (8) The Agency shall, notwithstanding that it is exercising functions on behalf of the Secretary of State or any other body associated with the health service, be entitled to enforce any rights acquired, and shall be liable in respect of any liabilities incurred (including liability in damages for wrongful or negligent acts or omissions), in the exercise of those functions, in all respects as if the Agency were acting as a principal; and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Agency in its own name.
- [^{F9}(9) The Agency shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the recovery or production of documents; but this subsection shall be without prejudice to any right of the Crown to withhold, or procure the withholding from production of, any document on the ground that its disclosure would be contrary to the public interest.]

Textual Amendments

- F1** Words substituted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 2**
- F2** Words in s. 10(1) repealed (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), **ss. 63(2)(a), 72(2)**; S.S.I. 2014/231, art. 2
- F3** S. 10(1A) inserted (22.9.2014) by [Public Bodies \(Joint Working\) \(Scotland\) Act 2014 \(asp 9\)](#), **ss. 63(2)(b), 72(2)**; S.S.I. 2014/231, art. 2
- F4** Words in s. 10(3) substituted (6.8.2005) by [Smoking, Health and Social Care \(Scotland\) Act 2005 \(asp 13\)](#), **ss. 42(1), 43(2)**, **Sch. 2 para. 2(4)**
- F5** Words repealed by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**
- F6** Words in s. 10(4) inserted (1.10.1999) by 1999 c. 8, s. 65(1), **Sch. 4 para. 44(a)**; S.S.I. 1999/90, art. 2(a)(b), **Sch. 1**
- F7** Words in s. 10(4) inserted (1.10.1999) by 1999 c. 8, s. 65(1), **Sch. 4 para. 44(b)**; S.S.I. 1999/90, art. 2(a)(b), **Sch. 1**
- F8** Words in s. 10(4) inserted (1.10.1999) by 1999 c. 8, s. 65(1), **Sch. 4 para. 44(c)**; S.S.I. 1999/90, art. 2(a)(b), **Sch. 1**
- F9** S. 10(9) repealed (1.4.1991) by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(2), **Sch. 10**

Modifications etc. (not altering text)

- C1** Pt. 1 applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))
- C2** S. 10(4) applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C3** S. 10(4) applied (1.4.1993) by S.I. 1993/577, art. 5(1), **Sch. Pt. I** (with art. 6)
- S. 10(4) applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
- S. 10(4) applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
- S. 10(4) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- S. 10(4) applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
- S. 10(4) applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
- S. 10(4) applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
- S. 10(4) applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))

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Changes and effects yet to be applied to :

- s. 10(4) words repealed by [2004 asp 7 sch. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)