
Changes to legislation: National Health Service and Community Care Act 1990, Cross Heading: Common Services Agency is up to date with all changes known to be in force on or before 10 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 5

HEALTH BOARDS, THE COMMON SERVICES AGENCY AND STATE HOSPITALS

Common Services Agency

- 8 Schedule 5 to the 1978 Act shall be amended in accordance with paragraphs 9 to 12 below.
- 9 In paragraph 3 of that Schedule (appointment of chairman and members) for the words from “other members appointed” to the end there shall be substituted “such other members as the Secretary of State may, after consultation with the Health Boards, appoint.”
- 10 In paragraph 3A of that Schedule (remuneration), after the words “management committee” there shall be inserted “and to such other members of the management committee as may be prescribed”.
- 11 After paragraph 7A of that Schedule there shall be inserted the following paragraphs—
- “7B Regulations may provide for the transfer of officers and servants from the Agency to a Health Board or state hospital, and for arrangements under which the services of an officer or servant of the Agency are placed at the disposal of a Health Board or state hospital.
- 7C Directions may be given by the Secretary of State—
- (a) to the Agency to place services of any of its officers or servants at the disposal of a Health Board or state hospital; and
- (b) to a Health Board or state hospital to employ as an officer or servant any person who is or was employed by the Agency and is specified in the direction,
- and it shall be the duty of the Agency, a Health Board or a state hospital to comply with any such directions given to it.”
- 12 After paragraph 8 of that Schedule there shall be inserted the following paragraphs—
- “8A In connection with arrangements relating to community care services (within the meaning of section 5A(4) (local authority plans for community care services) of the Social Work (Scotland) Act 1968), regulations may make provision with respect to—
- (a) the transfer to employment by a local authority of officers or servants employed by the Agency; and
- (b) the transfer to employment by a National Health Service body of officers and servants transferred to employment by a local authority by virtue of this paragraph,

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and for the purposes of this paragraph “National Health Service body” means the Agency, a Health Board or an NHS trust.

8B Before making regulations under paragraph 7B or 8A, the Secretary of State shall consult such bodies and organisations as appear to him to be concerned.”.

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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. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))