

## 1969 No. 1612 (S. 136)

## NATIONAL HEALTH SERVICE, SCOTLAND

## The National Health Service (Executive Councils and Scottish Dental Estimates Board) (Scotland) Financial Regulations 1969

<i>Made</i>	- - -	14th November 1969
<i>Laid before Parliament</i>		24th November 1969
<i>Coming into Operation</i>		1st December 1969

In exercise of the powers conferred on me by sections 39, 54 and 55 of, and Schedule 6 to, the National Health Service (Scotland) Act 1947<sup>(a)</sup> and by sections 28 and 29 of the Health Services and Public Health Act 1968<sup>(b)</sup> and of all other powers enabling me in that behalf and with the approval of the Treasury, I hereby make the following regulations:—

## PART I

*Citation and commencement*

1. These regulations may be cited as the National Health Service (Executive Councils and Scottish Dental Estimates Board) (Scotland) Financial Regulations 1969 and shall come into operation on 1st December 1969.

*Interpretation*

2.—(1) In these regulations, unless the context otherwise requires:—

“the Act” means the National Health Service (Scotland) Act 1947;

“the Act of 1968” means the Health Services and Public Health Act 1968;

“auditor” means an auditor appointed by the Secretary of State under section 55(2) of the Act;

“Council” means the Executive Council constituted for any area;

“finance officer” means the Clerk appointed by the Council under regulation 10(1) of the National Health Service (Executive Councils) (Scotland) Regulations 1954<sup>(c)</sup>;

“financial year” means the period of twelve months ending on 31st March;

“Ophthalmic Services Committee” means a Joint Ophthalmic Services Committee established under the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Order 1948<sup>(d)</sup>.

(2) The Interpretation Act 1889<sup>(e)</sup> applies for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(a) 1947 c. 27.

(b) 1968 c. 46.

(c) S.I. 1954/461 (1954 I, p. 1370)

(d) S.I. 1948/1452 (Rev. XV, p. 977; (1948 I, p. 2425)

(e) 1889 c. 63.

## PART II

## EXECUTIVE COUNCILS

*Finance committee*

3. The functions of the finance committee of a Council shall include:—

- (a) advising the Council on the financial aspects of all matters within the scope of the functions of that Council;
- (b) ensuring that proper financial control is maintained in all matters for which the Council are responsible, and that standing financial instructions are issued;
- (c) ensuring the proper maintenance of such financial records as the Secretary of State may specify;
- (d) submitting to the Council financial estimates specified by the Council or by the Secretary of State.

*Duties of the finance officer*

4. The duties of the finance officer shall include:—

- (a) the giving of information and advice on financial matters to the Council or any of their Committees;
- (b) the continuous oversight and review of the arrangements for financial control;
- (c) the preparation and completion of all financial estimates and returns specified by the Council, or by the Secretary of State;
- (d) the maintenance of a system of balancing double entry ledger accounts for recording the receipts and payments by the Council, and such other records as the Secretary of State may specify;
- (e) the proper collection of all moneys due to, the safe custody and the prompt payment into the bank of all moneys received by, and the prompt disbursement of all payments due by the Council.

*Annual and supplementary estimates*

5.—(1) The Council shall submit to the Secretary of State, in such form and under such heads of account and by such date in each financial year, as he may specify, an estimate (hereinafter referred to as the “annual estimate”) of the receipts and payments of the Council during the succeeding financial year and a revised estimate of receipts and payments during the current financial year.

(2) If at any time it appears to the Council that there will be receipts or payments under any head of account in respect of which the Secretary of State has required the submission of an annual estimate, and provision for such receipts or payments has not been included in the Council’s annual estimate, the Council shall prepare and submit to the Secretary of State as soon as may be an estimate of such additional receipts or payments (hereinafter referred to as a “supplementary estimate”), unless the Secretary of State has notified the Council that because of the nature of the additional receipts or payments it is not necessary to submit such a supplementary estimate.

(3) No expenditure under any head of account which has been specified under sub-paragraph (1) above shall be incurred by or on behalf of the Council unless provision for such expenditure has been included in an annual estimate, or in a supplementary estimate, or the Secretary of State has notified the Council that it is not necessary to submit a supplementary estimate in respect of that expenditure.

*Cash requirements*

6. The Council shall furnish to the Secretary of State such periodic estimates of cash requirements arising from expenditure approved by the Secretary of State for the purposes of section 54(1) of the Act and such additional information in connection therewith as he may specify, and the Secretary of State shall advance to the Council at such times and in such manner as the Treasury under section 54(4) of the Act may direct, such amounts as appear to him to be necessary to meet the expenses of the Council, including the expenses of an Ophthalmic Services Committee acting on behalf of the Council.

*Authorisation of payments*

7. No payments shall be made by or on behalf of the Council unless authorised in such manner as the Secretary of State may direct.

*Auditors*

8. An auditor shall have the right of access at all reasonable times to all books, accounts, and other records of a Council. He may require their production before him, and shall be entitled to require from any member or officer, or former member or officer of the Council such information relating to the affairs of the Council as he may deem necessary for the purpose of his audit.

*Annual accounts*

9.—(1) After the close of a financial year the finance officer shall prepare annual accounts in such form as the Secretary of State with the approval of the Treasury may direct. After certifying them as correct, the finance officer shall submit them to the Council for approval, and the Council shall thereafter submit them to the Secretary of State by such date as he may specify.

(2) The annual accounts shall be audited by an auditor who shall certify the accounts, with or without reservation, and shall transmit the audited accounts with his report thereon to the Secretary of State.

*Losses and claims*

10. Where a Council suffer a loss of public cash or property or where a claim which may result in the payment of damages or compensation is made against the Council, the Council shall follow such procedure, maintain such records and make such returns as the Secretary of State may specify.

**PART III****SCOTTISH DENTAL ESTIMATES BOARD**

11. The provisions of Part II of these regulations shall apply to the Scottish Dental Estimates Board in the same way as they apply to Executive Councils with the following modifications:—

- (1) The word "Board" shall be substituted for the word "Council".
- (2) References to the finance committee of a Council shall be construed as references to the Board but regulations 3(a) and (d) shall not apply.
- (3) References to the Ophthalmic Services Committee shall be omitted.

**PART IV****REVOCATION**

12.—(1) The National Health Service (Finance of Executive Councils and Scottish Dental Estimates Board) (Scotland) Regulations 1948(a) are hereby revoked.

(2) Section 38 of the Interpretation Act 1889 shall apply as if these regulations were an Act of Parliament and as if any regulations revoked by these regulations were Acts of Parliament repealed by an Act of Parliament.

*William Ross,*  
One of Her Majesty's Principal  
Secretaries of State.

St. Andrew's House,  
Edinburgh.  
12th November 1969.

We approve.

*E. G. Perry,*  
*Joseph Harper,*  
Two of the Lords Commissioners of  
Her Majesty's Treasury.

14th November 1969.

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#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations (which supersede the National Health Service (Finance of Executive Councils and Scottish Dental Estimates Board) (Scotland) Regulations 1948) govern the internal financial arrangements and systems of financial control of Executive Councils and make provision for the audit of their accounts. The principal matters dealt with in the Regulations include—

- (a) the functions of the finance committee of an Executive Council (regulation 3) and the duties of the finance officer (regulation 4);
- (b) the submission of financial estimates by Councils (regulation 5);
- (c) the making of cash advances to Councils to meet expenditure incurred for the purpose of discharging their functions (regulation 6);
- (d) the authorisation of payments by Councils (regulation 7);
- (e) the rights of auditors of access to, and production of, relevant documents (regulation 8);
- (f) annual accounts (regulation 9);
- (g) losses and claims (regulation 10).

The Regulations also include some of the circumstances in which the Secretary of State may issue directions under sections 28(3) and 29(2) of the Health Services and Public Health Act 1968.

The Regulations are applied, with minor modifications, to the Scottish Dental Estimates Board constituted under section 39(2) of the National Health Service (Scotland) Act 1947.