

1972 No. 390 (S.28)

NATIONAL HEALTH SERVICE, SCOTLAND

The Scottish Hospital Trust Regulations 1972

Laid before Parliament in draft

Made - - - - - 9th March 1972

Coming into Operation 16th March 1972

In exercise of the powers conferred on me by sections 2(2)(c), 2(3), 5(2) and 6(2) of the Hospital Endowments (Scotland) Act 1971(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

PART I

GENERAL

1. These regulations may be cited as the Scottish Hospital Trust Regulations 1972 and shall come into operation on 16th March 1972.

2. In these regulations:—

(a) “the Act” means the Hospital Endowments (Scotland) Act 1971;
 “the Trust” means the Scottish Hospital Trust constituted by and in accordance with section 1(1) of and the Schedule to the Act.

(b) Unless the context otherwise requires the several words and expressions to which meanings are assigned in the Act shall have the same meanings in these regulations as they have in the Act.

3. The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament and as if these regulations were an Act of Parliament.

PART II

EXCEPTIONS FROM TRANSFERENCE TO THE TRUST OF RELEVANT ENDOWMENT
 OF BOARDS OF MANAGEMENT.

4. There shall be excepted from transference to the Trust—

(a) 1971 c. 8.

(b) 1889 c. 63.

- (a) the relevant endowments of the Boards of Managements for
- (i) Glasgow Homoeopathic Hospitals and
 - (ii) the Lews and Harris Hospitals, and
- (b) the endowments specified in the Schedule to these regulations

PART III

CONDITIONS AFFECTING THE TRANSFERENCE OF RELEVANT ENDOWMENTS

5.—(1) (a) At the request of the Board of Management for the Astley Ainslie, Edenhall and Associated Hospitals, the Secretary of State may direct that the Trust shall realise part of the capital of the funds transferred to it under section 2(1) of the Act up to the value of the capital of the funds which at the appointed day were held and administered as a Development Fund in terms of paragraph 11 of the Astley Ainslie, Edenhall and Associated Hospitals Endowment Scheme 1954 approved by the Secretary of State by the National Health Service (Astley Ainslie, Edenhall and Associated Hospitals Endowment Scheme) Approval Order 1954(a) (less any outstanding sums borrowed which may have been written off by the appointed day with the approval of the Secretary of State under regulation 7(2) of these regulations).

The amounts so realised shall be transferred to the said Board of Management and shall be applied by them when received to meet capital expenditure on the provision of facilities for the convalescence and rehabilitation of patients in the hospitals or clinics administered by the said Board of Management.

(b) At the request of the Board of Management for the Royal Infirmary of Edinburgh and Associated Hospitals the Secretary of State may direct that the Trust shall realise part of the capital of the funds transferred to it under section 2(1) of the Act up to the value of the capital of the funds which at the appointed day were held and administered as the Sir Robert McVitie Grant Dermatological Fund in terms of paragraph 7 of the Royal Infirmary of Edinburgh and Associated Hospitals Endowment Scheme approved by the Secretary of State by the National Health Service (Royal Infirmary of Edinburgh and Associated Hospitals Endowment Scheme) Approval Order 1954(b) (less any outstanding sum borrowed which may have been written off as at the appointed day with the approval of the Secretary of State under regulation 7(2) of these regulations).

The amounts so realised shall be transferred to the said Board of Management and shall be applied by them when received to meet capital expenditure for purposes connected with the Dermatological Department of the Royal Infirmary of Edinburgh.

(2) Provided that for the purpose of realisations carried out under this regulation the capital value of the total funds held by the Trust shall be taken to be as at the date of realisation.

PART IV

CAPITAL VALUE OF RELEVANT ENDOWMENTS TRANSFERRED

6.—(1) The capital value of the relevant endowments transferred to the Trust in terms of Section 2(1) of the Act shall be calculated as follows:—

(a) S.I. 1954/1295.

(b) S.I. 1954/1296.

- (a) Investments quoted on a Stock Exchange—at middle market value as at the appointed day;
- (b) Investments not quoted on a Stock Exchange—at independent valuation as at the appointed day;
- (c) land and heritable property, feu duties and ground annuals—failing agreement between the Trust and the Board concerned, at independent valuation as at the appointed day,
- (d) Short term loans, bank and cash balances—at amounts outstanding or at credit at commencement of the appointed day;
- (e) Net borrowing—at actual amount as determined in regulation 7 of these regulations.

(2) Where paragraph (1) of this regulation provides for independent valuation the valuer shall, failing agreement between the Trust and the Board concerned, be appointed by the Secretary of State.

(3) The Trust shall prepare and issue to Boards of Management and Regional Hospital Boards certificates which shall state each Board's share of the total funds represented by the capital value of the relevant endowments transferred to the Trust on the appointed day calculated as provided in paragraph (1) of this regulation.

(4) The Trust shall in like manner issue a certificate to the Board of Management for the Astley Ainslie, Edenhall and Associated Hospitals in respect of the capital value of the funds transferred to the Trust from the Development Fund referred to in the preceding regulation and a certificate to the Board of Management for the Royal Infirmary of Edinburgh and Associated Hospitals in respect of the capital value of the funds transferred to the Trust from the Sir Robert McVitie Grant Dermatological Fund also referred to in the preceding regulation.

(5) Where under a scheme approved by the Secretary of State new Boards of Management are formed by the amalgamation or re-distribution of responsibilities of former Boards, the shares of the former Boards in the funds of the Trust for which such Boards hold certificates issued under paragraph (3) of this regulation shall be assigned to the new Boards in the same proportion as the bed complements, determined by the Secretary of State, of the hospitals affected by such amalgamation or re-distribution have been assigned. The Trust shall issue a certificate to each new Board stating its share of the total funds as provided in paragraph (3) of this regulation, and shall similarly issue a fresh certificate to any Board which continues in existence but whose bed complement has been altered by such re-distribution.

(6) Where under regulation 5 of these regulations part of the capital of the Trust is realised and transferred, the Trust shall withdraw the certificates issued in terms of paragraphs (3) or (5) of this regulation and shall issue to each Board a fresh certificate in which the stated share of the total funds of the Trust shall take account of the capital so realised and transferred: and the Trust shall also withdraw from the Board concerned the certificate issued in terms of paragraphs (4) of this regulation and shall issue a revised certificate in respect of the capital value of the Development Fund or the Sir Robert McVitie Grant Dermatological Fund, as the case may be, transferred to the Trust.

PART V

ARRANGEMENTS REGARDING BORROWING BY BOARDS OF MANAGEMENT AND
REGIONAL HOSPITAL BOARDS

7.—(1) Outstanding borrowings from relevant endowments by Boards of Management or Regional Hospital Boards shall be offset by any amounts written off in terms of paragraph (2) of this regulation, and the net amounts resulting shall be assets of the Trust, and shall be repayable over a period not exceeding thirty years from the date of borrowing, or such shorter period as may in any particular case be determined by the Secretary of State having regard to the amount of accumulated revenue balances held by the Board concerned, and with interest at a rate approved by the Secretary of State which shall be not less than 5% per annum.

(2) The Secretary of State may direct that the Trust shall as at the appointed day write off from the relevant endowments of a Board the whole or part of such outstanding borrowings as are referred to in paragraph (1) of this regulation.

(3) Sums borrowed after the appointed day by Boards of Management or Regional Hospital Board against their share of the capital of the Trust shall be repayable over a period not exceeding thirty years, with interest at a rate approved by the Secretary of State which shall not be less than 5% per annum.

(4) The Trust may require notice of borrowing to be given where the sum proposed to be borrowed including any sums borrowed under section 6(1) of the Act within the previous twelve months, exceeds £5,000, as follows:—

- (a) up to £25,000, six months notice;
- (b) over £25,000, twelve months notice.

Gordon Campbell,
One of Her Majesty's
Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
9th March 1972.

Regulation 4

SCHEDULE

ENDOWMENTS EXCEPTED FROM TRANSFER TO THE TRUST IN TERMS OF
REGULATION 4(b)

<i>Board of Management</i>	<i>Endowment</i>
Arran Hospitals	House "Cuilabhaila", Lamlash.
Astley Ainslie and Associated Hospitals	Houses at 4 and 8 Parkgrove Place, Musselburgh.
Banffshire Hospitals	House "Bruxlea", Turriff.
Caithness Hospitals	House "Slateford", George Street, Wick. Tennis Courts and playing fields at Wick (let to Wick Town Council).
Campbeltown and District Hospitals	House at 12 Glebe Street, Campbeltown. Land known as Kintyre Nursery, Campbeltown, extending to 5·87 acres or thereby.
Coatbridge, Airdrie and District Hospitals	Agricultural land extending to 41·731 acres or thereby at Calderbank House, Baillieston, and sheds and buildings thereon.
County and City of Perth General Hospitals	House "Ferndale", situated in the grounds of Hillside Hospital.
Dunoon Hospitals	House known as No. 2 Dunoon General Hospital.
East Fife Hospitals	Houses on first and second flats (right hand side) at 18 and 24 Hunter Street, house on first and second flat (left hand side) at 32 Hunter Street, 46 Forth Park Gardens, 189 Dunnikier Road, and 14 Muirfield Street, all in Kirkcaldy.
Edinburgh Northern Hospitals	Houses and property at 1a, 2, 4, 5, and 7 Rillbank Terrace, 1, 3 and first flat of 4 Rillbank Crescent, 11 and 12 Millerfield Place, and 84 Dudley Avenue, all in Edinburgh.
Edinburgh Southern Hospitals	House at 62 Spring Gardens, Edinburgh. House, 2 shops, and lock-up garages at 1-11 Waverley Park, Edinburgh. Property at 15-17 Carlton Terrace, Edinburgh, occupied as the South Edinburgh School of Nursing. Land at Liberton known as Stenhouse Market Gardens, extending to 27 acres or thereby
Foresterhill and Associated Hospitals	Ground at 169 Constitution Street, Aberdeen extending to 133 sq. yds. or thereby. Yard at 14, Constitution Street, Aberdeen extending to 1970 sq yds. or thereby. Land adjoining Inch and District War Memorial Hospital extending to 1·3 acres or thereby.
Glasgow Northern Hospitals	Land bordering 3 sides of the Glasgow Convalescent Home Lenzie extending to 3·4 acres or thereby

<i>Board of Management—(cont.)</i>	<i>Endowment</i>
Moray Hospitals	Houses "Grovelea", 11 Seafield Street, Elgin, and "Limekilns", 22 Springfield Road, New Elgin.
Northern Ayrshire Hospitals	Houses at 2-14 Hill Street and 28 Kirkgate all in Irvine.
Oban and District Hospitals	Land at Benvoulin Lane, Oban, extending to 0·57 acres or thereby, and the houses erected thereon, numbers 1, 2 and 3 Benvoulin Lane, Oban.
Paisley and District Hospitals	Land at Harelaw and Hollybush Farms extending to 173 acres or thereby. Land at Dykebarhill and Oldbar Farms extending to 119 acres or thereby. 2 flats on the ground floor at 29 Calside, Paisley.
Royal Edinburgh and Associated Hospitals	House at 50 Caiystane Avenue, Edinburgh.
Royal Infirmary of Edinburgh and Associated Hospitals	2 houses being centre houses on first and second floors at 114 Lauriston Place, house consisting of 2 flats entered from staircase at 118 Lauriston Place, main door house at 120 Lauriston Place, tenement 5-7 Moncrieff Terrace, east and west flats on top floor and office at 6 Cambridge Street, tenement at 14-18 Marionville Road comprising 8 houses (under exception of top flat west at 16 Marionville Road) all in Edinburgh.
Scottish Borders Hospitals	2 houses at 14 and 16 Duke Street, Galashiels. Field extending to 4·3 acres or thereby at Gordon.
Skye Hospitals	House at Mackinnon Memorial Hospital, Broadford.
Stirling, Falkirk and Alloa Hospitals	2 small triangular plots, extending to 0·829 acre and 0·830 acre or thereby, bordering the Stirling Inner relief road.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These regulations make provision in respect of conditions of and exceptions from transference of relevant endowments to the Scottish Hospital Trust, the valuation of endowments transferred, and the arrangements for outstanding and future borrowings by hospital boards against their relevant endowments.

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