

1974 No. 469 (S.30)

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Transfer of Speech Therapists)  
(Scotland) Order 1974**

<i>Made</i> - - - -	15th March 1974
<i>Laid before Parliament</i>	27th March 1974
<i>Coming into Operation</i>	1st April 1974

In exercise of the powers conferred on me by sections 34, 35 and 61 of the National Health Service (Scotland) Act 1972(a), as amended by paragraph 140 of Schedule 4 to the National Health Service Reorganisation Act 1973(b), and of all other powers enabling me in that behalf, I hereby make the following order:—

*Citation, commencement and interpretation*

1.—(1) This order may be cited as the National Health Service (Transfer of Speech Therapists) (Scotland) Order 1974 and shall come into operation on 1st April 1974.

(2) In this order:—

“the Act” means the National Health Service (Scotland) Act 1972;

“education authority” has the meaning assigned to it in section 145 of the Education (Scotland) Act 1962(c);

“Health Board” means a board constituted under section 13 of the Act.

(3) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(4) The Interpretation Act 1889(d) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

*Transfer of staff*

2.—(1) Subject to the provisions of the Act, all persons employed wholly or mainly as speech therapists for the purposes of providing special education in pursuance of sections 1 and 3A of the Education (Scotland) Act 1962 by an education authority specified in column 1 of the Schedule to this order shall on 1st April 1974 be transferred to the employment of the Health Board specified in column 2 of that Schedule opposite the name of the education authority.

---

(a) 1972 c. 53.  
(c) 1962 c. 47.

(b) 1973 c. 32.  
(d) 1889 c. 63.

(2) Where more than one Health Board is specified in the Schedule opposite the name of an education authority, the Board to which any person to whom this order applies is to be transferred shall be determined by the education authority having regard to the area within which that person wholly or mainly carried out her duties before 1st April 1974.

*Protection of officers*

3.—(1) So long as any person transferred to the employment of a Health Board by or under this order continues in the employment of that Board by virtue of the transfer, and until she is served with a statement in writing referring to this order and specifying new terms and conditions of employment, she shall enjoy terms and conditions of employment not less favourable, taken as a whole, than those which she enjoyed immediately before the date of transfer.

(2) Without prejudice to the provisions of paragraph (1) of this article, until any person referred to in that paragraph is served with a statement in writing as aforesaid, the scale of her salary or remuneration shall remain not less favourable than that which she enjoyed immediately before the date of transfer.

(3) The said new terms and conditions of employment of a person transferred by or under this order shall be such that—

- (i) so long as she is engaged in duties reasonably comparable to those in which she was engaged immediately before the date of transfer, the scale of her salary or remuneration, and
- (ii) the other terms and conditions of her employment,

are not less favourable, taken as a whole, than those which she enjoyed immediately before the date of transfer.

(4) For the purposes of the National Insurance Act 1965(a) the Redundancy Payments Act 1965(b) the Industrial Relations Act 1971(c) and the Contracts of Employment Act 1972(d) there shall be deemed to have been no break in the employment of any person who is transferred by virtue of section 34 of the Act from the employment of an education authority to that of a Health Board.

*Preservation of training arrangements*

4. Where an education authority from whose employment a person is transferred by or under this order to the employment of a Health Board has made arrangements under which the person is undergoing, or is to undergo, a course of training, and those arrangements have not been discharged before 1st April 1974, those arrangements shall continue in force on and after that date as if they had been made by the Health Board.

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

St Andrew's House.  
Edinburgh.  
15th March 1974.

---

(a) 1965 c. 51.  
(c) 1971 c. 72.

(b) 1965 c. 62.  
(d) 1972 c. 53.

## SCHEDULE

Column 1 <i>Education Authority</i>	Column 2 <i>Health Board</i>
County Council of—	
Aberdeen	Grampian
Angus	Tayside
Argyll	Argyll and Clyde
Ayr	Ayrshire and Arran
Banff	Grampian
Berwick	Borders
Bute	Argyll & Clyde,
	Ayrshire and Arran
Caithness	Highland
Clackmannan	Forth Valley
Dumfries	Dumfries and Galloway
Dunbarton.	Argyll & Clyde, Greater Glasgow,
	Lanarkshire
East Lothian	Lothian
Fife	Fife
Inverness	Highland
Kincardine	Grampian
Kirkcudbright	Dumfries and Galloway
Lanark	Greater Glasgow, Lanarkshire
Midlothian	Lothian
Joint County Council of—	
Moray and Nairn	Grampian, Highland
County Council of—	
Orkney	Orkney
Peebles	Borders
Joint County Council of—	
Perth and Kinross	Forth Valley, Tayside
County Council of—	
Renfrew	Argyll & Clyde, Greater Glasgow
Ross & Cromarty	Highland
Roxburgh	Borders
Selkirk	Borders
Stirling	Forth Valley, Lanarkshire
Sutherland	Highland
West Lothian	Forth Valley, Lothian
Wigtown	Dumfries & Galloway
Zetland	Shetland
Town Council of—	
Aberdeen	Grampian
Dundee	Tayside
Edinburgh	Lothian
Glasgow	Greater Glasgow

## EXPLANATORY NOTE

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

This Order provides for the transfer by virtue of section 34 of the National Health Service (Scotland) Act 1972 of certain speech therapists employed by education authorities to Health Boards with effect from 1st April 1974. Where the area of an education authority overlaps with several Health Board areas, provision is made for the authority to determine which Board shall be the new employing authority. Provision is also made for the protection of the terms and conditions of service of persons transferred.

SI 1974/469  
ISBN 0-11-040469-6

