

1974 No. 471 (S. 32)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Transfer of Local Authority Property—Change of Use and Exemption) (Scotland) Order 1974

Made - - - 15th March 1974

Laid before Parliament 27th March 1974

Coming into Operation 1st April 1974

In exercise of the powers conferred on me by section 27(5)(b), (c) and (d) of the National Health Service (Scotland) Act 1972(a), 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 Local Authority Property—Change of Use and Exemption) (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;

“health functions” has the meaning assigned to it in section 27(1) of the Act;

“school health functions” has the meaning assigned to it in section 27(1) 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(b) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Change of use

2.—(1) Where any property held on 20th January 1972 by a local health authority or by an education authority wholly or mainly for the purposes of their health functions or school health functions has undergone a change of use between 20th January 1972 and 1st April 1974 otherwise than in the ordinary course of business, the Secretary of State may determine that that property shall be transferred to the Secretary of State.

(2) The question whether any property has undergone a change of use in the ordinary course of business or otherwise shall, failing agreement between the Secretary of State and the authority concerned, be determined by a single arbiter agreed upon by the Secretary of State and that authority or, failing such agreement, appointed by the Lord President of the Court of Session on the application of any of the parties to the question.

(a) 1972 c. 58.

(b) 1889 c. 63.

Exemption of property from transfer

3.—(1) The Secretary of State may, after consultation with a local authority or an education authority, determine that any property to which the provisions of section 27(2) of the Act or of this order apply shall be exempted either temporarily or otherwise from these provisions.

(2) Where any property has been exempted under paragraph (1) above, the Secretary of State may reserve the right to use the said property for such period as may be required for the purposes of the Health Service Acts on such terms and conditions as may be agreed between the Secretary of State and the authority concerned.

Continued use of transferred property

4. Where a property is transferred to the Secretary of State under the provisions of section 27 of the Act or of this order the Secretary of State may, after consultation with the local authority or the education authority concerned, permit that authority to continue to use the said property for such period and on such terms and conditions as may be agreed.

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

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the transfer to the Secretary of State of certain local authority property which is not transferred under the provisions of the Act, for the exemption of certain property from transfer and for the continued use of property by local or education authorities.

SI 1974/471
ISBN 0-11-040471-8



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