

1974 No. 860 (S.76)

NATIONAL HEALTH SERVICE, SCOTLAND

The Scottish Hospital Trust Scheme 1974

Laid before Parliament in draft

Made - - - - - *15th May 1974*

Coming into Operation *30th May 1974*

In exercise of the powers conferred on me by section 7(1) of the Hospital Endowments (Scotland) Act 1971(a) (as amended by Part II of Schedule 6 to the National Health Service (Scotland) Act 1972(b)) and section 38(4) of the National Health Service (Scotland) Act 1972, and of all other powers enabling me in that behalf, having given to Boards of Management, Regional Hospital Boards, Health Boards and the Committee of the State Hospital in terms of section 7(2) of the said Act of 1971 an opportunity to make representations, and having had regard in terms of section 38(3) of the said Act of 1972 to the arrangements for the distribution of income made under the Scottish Hospital Trust Scheme 1972(c), I hereby make the following scheme:—

Citation and commencement

1. This scheme may be cited as the Scottish Hospital Trust Scheme 1974 and shall come into operation on 30th May 1974.

Interpretation

2.—(1) In this scheme—

“the Act of 1971” means the Hospital Endowments (Scotland) Act 1971;

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

“the Trust” means the Scottish Hospital Trust constituted under section 1(1) of the Act of 1971.

(2) Unless the context otherwise requires the several words and expressions to which meanings are assigned in the Act of 1971 shall have the same meanings in this scheme as they have in that Act.

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

(a) 1971 c. 8.

(c) S.I. 1972/391 (1972 I, p. 1472).

(b) 1972 c. 58.

(d) 1889 c. 63.

Application of endowment funds

3. The Trust shall, after paying the necessary expenses of management and the burdens and taxes affecting the endowments transferred to them in terms of section 2(1) or accepted by them in terms of section 3(f) of the Act of 1971, distribute at dates in each year to be determined by the Secretary of State the resulting balance of income among Health Boards and the State Hospital on the following basis:—

- (a) a basic distribution to provide—
 - (i) for each health Board, an annual income of £3 per bed, or, in the case of dental hospitals per chair within the complement (as determined annually by the Secretary of State after consultation with Health Boards) of hospitals under the management of the Health Board concerned, together with a further sum of £3 per annum in respect of each bed provided for use by the Health Board in an institution under the management of a local authority;
 - (ii) for the State Hospital, an annual income of £3 per bed within the complement of the State Hospital as agreed by the Secretary of State; and
- (b) for each Health Board, a share of the balance remaining in proportion to its share of the total funds represented by the value of the relevant endowments transferred to the Trust in terms of section 2(1) of the Act of 1971 for which a Health Board may hold a certificate issued to it by the Trust in terms of regulation 6 of the Scottish Hospital Trust Regulations 1972(a), as amended by the Scottish Hospital Trust (Amendment) Regulations 1974(b).

4.—(1) Subject to the following provisions of this paragraph, the income received by Health Boards under this scheme shall be used for purposes relating to services provided under the National Health Service (Scotland) Acts 1947 to 1973(c) in or in relation to hospitals or to research into any matters as are mentioned in section 17 of the National Health Service (Scotland) Act 1947(d), and the sums received by the State Hospital shall be used by that hospital for any purpose for which the hospital was provided including research in connection with any such purpose.

(2) The Health Boards listed in the first column of the Schedule to this scheme shall use income for the purposes and to the extent specified in the second column of the Schedule.

(3) Subject to the foregoing provisions of this paragraph, each Health Board shall apply the income received by it in each year under this scheme, or accumulate such income to be applied in future—

- (a) to an extent not less than 90%—for the benefit of any hospital or hospitals in each group of hospitals in the area of the Health Board, in such proportions among the groups as the Secretary of State may from time to time direct, having regard to—
 - (i) the shares of the relevant Boards of Management in the total funds of the Trust,
 - (ii) the bed complement (as determined by the Secretary of State) of each group of hospitals, and

(a) S.I. 1972/390 (1972 I, p. 1466).
(c) 1973 c. 32.

(b) S.I. 1974/859 (1974 II, p. 3318).
(d) 1947 c. 27.

- (iii) the amounts of any sums which, as at the appointed day within the meaning of the Act of 1972, the relevant Boards of Management were liable to repay to the Trust in accordance with the provisions of regulation 7 of the said Regulations of 1972; and
 - (b) to an extent not exceeding 10%—for the benefit of such hospitals in its area as the Health Board thinks fit, or for purposes not specifically related to any particular hospital.
- (4) Where a new hospital is provided by the Secretary of State in the area of a Health Board—
- (a) the Secretary of State shall determine for the purposes of sub-paragraph 3(a) of this paragraph the group of hospitals to which the new hospital belongs;
 - (b) the new hospital shall be added to the hospitals in the group so determined or, as the case may be, shall be substituted for the hospital or hospitals which it has replaced in that group; and
 - (c) the bed complement of that group shall thereafter be determined accordingly.
- (5) In this paragraph “group of hospitals” means hospitals in the area of a Health Board which, immediately before the appointed day within the meaning of the Act of 1972, were all managed by the same Board of Management, and “relevant Board of Management” means, in relation to a group of hospitals, the Board of Management which managed that group.
- (6) Before deciding to expend on any one research project any sum exceeding £2,000 a Health Board or the State Hospital Management Committee shall consult the Advisory Committee on Medical Research in Scotland or such other body as the Secretary of State may from time to time direct.

Application of accumulated income held by Health Boards

5.—(1) Any accumulated income of a relevant endowment, being accumulated income held by a Health Board by virtue of section 2(2)(a) of the Act of 1971, shall be used for purposes relating to services provided under the National Health Service (Scotland) Acts 1947 to 1973 in or in relation to hospitals or to research into any matters as are mentioned in section 17 of the National Health Service (Scotland) Act 1947.

(2) Before deciding to expend on any one research project any sum exceeding £2,000 a Health Board shall consult the Advisory Committee on Medical Research in Scotland or such other body as the Secretary of State may from time to time direct.

(3) Subject to sub-paragraph (1) of this paragraph, accumulated income of the kind mentioned in that sub-paragraph, to the extent that it is income which was, before the appointed day within the meaning of the Act of 1972, held by Boards of Management, shall, so far as is practicable, be applied by a Health Board for the benefit of the groups of hospitals in the area of the Health Board managed by those Boards of Management before that day in proportion to the amounts of such income which had been accumulated by those Boards of Management as at the appointed day within the meaning of the Act of 1971:

Provided that, where such income has been accumulated by a Board of Management for a particular purpose, the income shall not, except with the Secretary of State's approval, be applied by a Health Board for any other purpose.

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

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

Paragraph 4

SCHEDULE

SPECIAL PROVISIONS FOR USE OF INCOME RECEIVED FROM THE TRUST

HEALTH BOARD	PROVISION
Grampian	<p>In pursuance of the gift of £400 by Sir John Duthie of Cairnbulg Castle, Aberdeenshire, the Board shall in each year apply the sum of £13.75 in the purchase of gifts to be given in the name of his daughter Leslie Elliot Duthie to girl patients in the Royal Aberdeen Childrens Hospital on the 17th day of August, being the birthday of the said Leslie Elliot Duthie.</p> <p>The Board shall in all time coming maintain in good order the grave and tombstone of Robert Edwards, late of 13 Ruthriehill Road, Stoneywood at Lair No. A 318, Newhills Cemetery, Bucksburn.</p> <p>The Board shall in all time coming maintain the War Memorial Stone erected in the Village of Torphins.</p>
Tayside	<p>The Board shall in each year apply the following sums on prizes for nurses in Dundee Royal Infirmary:—</p> <p>(a) the sum of five pounds to be known as the Miss Duff Memorial Prize;</p> <p>(b) the sum of five pounds to be known as the Ogilvy Dalgleish Prize;</p> <p>(c) the sum of three pounds to be known as the Miss J. H. Nicol Prize; and</p> <p>(d) the sum of five pounds to be known as the Dr. J. S. Y. Rogers Prize.</p> <p>The Board shall from time to time decide the conditions governing the award of these prizes.</p>
Lothian	<p>The Board shall provide for the upkeep in all time coming of the burying ground in the cemetery of South Leith of the family of David Ainslie of Costerton and of the burying ground of and the memorial tombstone to the said David Ainslie in Crichton Churchyard, Midlothian.</p>
Greater Glasgow	<p>The Board shall in each year apply such sums as it thinks fit to the purposes aftermentioned:—</p> <p>(a) the provision of medals to be known as the Dr. John Burns</p>

Medals to be awarded to the most distinguished male student in attendance at the Royal Infirmary of Glasgow in the examinations for clinical medicine, clinical surgery, gynaecology and ophthalmology respectively;

- (b) the provision of medals to be known as the Mrs. William R. Herkless Medals to be awarded to the most distinguished female student in attendance at the Royal Infirmary of Glasgow in the examinations for clinical medicine, clinical surgery, gynaecology and ophthalmology respectively;
- (c) the provision of a medal to be known as the Graham Medal for a student in the Ear, Nose and Throat class in attendance at the Royal Infirmary of Glasgow;
- (d) the provision of prizes, bursaries, scholarships or post-graduate teaching for nurses in the Royal Infirmary of Glasgow;
- (e) the provision of cancer research scholarships in the Royal Infirmary of Glasgow to be known as the McGhie Cancer Research Scholarships;
- (f) the provision of clinical research scholarships in the Royal Infirmary of Glasgow to be known as the McIntyre Clinical Research Scholarships;

Provided always that the Board may in any year, if it deems it expedient so to do, resolve not to make an award of any of the said medals, prizes, scholarships or bursaries. The Board shall from time to time decide the conditions governing the award of the said medals, prizes, scholarships and bursaries.

Lanarkshire

The Board shall in all time coming maintain the graves and tombstones in Biggar Churchyard of Mrs. Eleanora Thomson or Bell Brown and her husband George Bell Brown, and of the parents of the said Mrs. Eleanora Thomson or Bell Brown.

Forth Valley

The Board shall in each year apply sums for the purposes after-mentioned:—

- (a) The provision of a medal for a nurse in Stirling Royal Infirmary, the said medal to be known as the John Risk Medal and the conditions of award to be such as the Board may from time to time determine;
- (b) The provision of books for the nurses' library in Stirling Royal Infirmary in memory of the late Dr. C. G. Fletcher.

EXPLANATORY NOTE

(This Note is not part of the Scheme.)

This Scheme makes provision in respect of the arrangements under which the income from the endowments transferred to the Scottish Hospital Trust shall be distributed to Health Boards and to the State Hospital.

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