
STATUTORY INSTRUMENTS

1991 No. 570

The Functions of Health Boards (Scotland) Order 1991

Qualifications to the exercise of functions by Health Boards

5.—(1) Notwithstanding the provisions of Article 4(o) of this Order a Health Board shall not, except with the consent of the Secretary of State, exercise powers under section 64 of the Act so as to refuse any application under that section.

(2) In exercising, by virtue of article 4(q) of this order any of the functions conferred upon the Secretary of State by section 79 to acquire, manage or dispose of land, a Health Board shall ensure—

- (a) that any instrument in connection with the exercise of those functions is in the name of the Secretary of State for Scotland and not that of the Health Board; and
- (b) that, where any such instrument requires to be executed by the Secretary of State for Scotland and it is not executed in accordance with section 1(8) of the Reorganisation of Offices (Scotland) Act 1939 ^{M1}, it is executed, on his behalf, in accordance with section 79(1A) of the Act.

(3) Nothing in this Order shall be construed as conferring on a Health Board any power to make Regulations, Orders or directions.

(4) Nothing in this Order shall prevent or restrict from exercising any function under the Act—

- (a) the Secretary of State;
- (b) any other Health Board;
- (c) any Special Health Board ^{M2}; or
- (d) the Agency.

Marginal Citations

M1 1939 c.20.

M2 See section 2(1)(b) as inserted by the 1990 Act, section 28.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Functions of Health Boards (Scotland) Order 1991. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- art. 5(4) word omitted by [S.S.I. 2011/211 Sch. 2 para. 14\(a\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 2(1)(c) and word inserted by [S.S.I. 2017/304 art. 2\(2\)\(b\)](#)
- art. 2(1)(ba) inserted by [2021 asp 3 sch. para. 2\(3\)\(a\)](#)
- art. 2(2A) inserted by [S.S.I. 2017/304 art. 2\(2\)\(c\)](#)
- art. 2(3A) inserted by [2021 asp 3 sch. para. 2\(3\)\(b\)](#)
- art. 3(1A) inserted by [2021 asp 3 sch. para. 2\(4\)\(b\)](#)
- art. 3(5) inserted by [S.S.I. 2017/304 art. 2\(3\)](#)
- art. 4(ba) inserted by [S.S.I. 2006/132 art. 2\(2\)](#)
- art. 4(ea)(eb) inserted by [S.S.I. 2006/132 art. 2\(3\)](#)
- art. 4(ja) inserted by [S.S.I. 2018/27 art. 2](#)
- art. 4(qa) inserted by [S.S.I. 2006/132 art. 2\(4\)](#)
- art. 5(4)(e) and word inserted by [S.S.I. 2011/211 Sch. 2 para. 14\(b\)](#)