

These notes relate to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) which received Royal Assent on 11 March 2003

PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Health Service Bodies

Section 7 – Investment and borrowing

31. The provisions in section 7 relate to the powers of investment and borrowing by Health Boards and NHS trusts in respect of endowments.
32. The Scottish Hospital Trust was given specific powers of investment. *Subsection (1)* confers upon Health Boards like powers of investment and borrowing.
33. *Subsection (2)* requires Health Boards to seek financial advice with regard to such investments.
34. *Subsection (3)* permits a Health Board to borrow from any endowment which is attributable to it, subject to certain provisos.
35. *Subsections (4) and (5)* permit a Health Board to make loans to Health Boards and NHS trusts from endowments held by that Health Board but attributable to those other Health Boards or NHS trusts.
36. *Subsection (6)* permits NHS trusts to borrow from any endowment which it holds.
37. *Subsection (7)* requires Health Boards and NHS trusts to seek the consent of the Scottish Ministers to any loans or borrowing, under *subsections (3) to (6)*.
38. *Subsection (8)* allows the Scottish Ministers to make provisions by regulations as to the terms and conditions to apply to any loans or borrowing.