

*Changes to legislation: There are currently no known outstanding effects for the National Health Service Reform (Scotland) Act 2004. (See end of Document for details)*

## SCHEDULE 1

*(introduced by section 11)*

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *National Health Service (Scotland) Act 1978 (c. 29)*

- 1 (1) The 1978 Act is amended as follows.
- (2) In section 2 (constitution of Health Boards and Special Health Boards)—
- (a) in subsection (1)(a), after “shall”, where it second occurs, insert “, without prejudice to subsection (1B), ”,
- (b) in subsection (1B), for “(1)(b)” substitute “ (1) ”.
- (3) In section 2C(4) (co-operation in discharging of functions to provide primary medical services), for “section” substitute “ sections 12J and ”.
- (4) In section 12H(1) (duty of quality), for “, Special Health Board and NHS trust” substitute “ and Special Health Board ”.
- (5) In section 75A (remission and repayment of charges and payment of travelling expenses), in subsection (2), for “, (c) or (d)” substitute “ or (c) ”.
- (6) In section 79 (acquisition, use and disposal of land and moveable property), after subsection (2) insert—
- “(2A) For the avoidance of doubt, the power to use heritable property conferred by subsection (1), and the power to dispose of land conferred by subsection (1A), include power to let the property or, as the case may be, land.”
- (7) In section 86 (accounts), in each of subsections (3) and (4), for “to (c)” substitute “ and (b) ”.
- (8) In section 102 (State hospitals), in subsection (4)(b), for “, the Agency or an NHS trust” substitute “ or the Agency ” and for “, Agency or trust” substitute “ or Agency ”.
- (9) In section 105 (orders, regulations and directions), in subsection (4)(b), for the words from “12A(1)” to the end substitute “ or 70(2) ”.
- (10) In Schedule 1 (Health Boards), in paragraph 8A, for “, the Agency or an NHS trust” substitute “ or the Agency ”.
- (11) In Schedule 5 (Common Services Agency), in paragraph 8A, for “, a Health Board or an NHS trust” substitute “ or a Health Board ”.

#### **Commencement Information**

**II** Sch. 1 para. 1(1)(2)(3)(6) in force at 30.9.2004 by S.S.I. 2004/361, art. 2(b)(iv)

#### *National Health Service (Private Finance) Act 1997 (c. 56)*

- 2 In section 1 (power of NHS trusts to enter into agreements) of the National Health Service (Private Finance) Act 1997 (c. 56)—

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- (a) in subsection (1), for “National Health Service trust” substitute “Health Board, a Special Health Board and the Common Services Agency for the Scottish Health Service (“the Agency”) to enter into contracts”;
- (b) in each of subsections (3)(a) and (5), for “trust” substitute “ Board or, as the case may be, the Agency ”;
- (c) in each of subsections (4) and (6), for “National Health Service trust” substitute “ Health Board, a Special Health Board or the Agency ”.

#### Commencement Information

**I2** Sch. 1 para. 2 in force at 30.7.2004 by S.S.I. 2004/335, art. 2(b)

PROSPECTIVE

#### *Regulation of Care (Scotland) Act 2001 (asp 8)*

3 In section 77(1) (interpretation) of the Regulation of Care (Scotland) Act 2001, for the definition of “health body” substitute—

““health body” means a Health Board or Special Health Board constituted by order under section 2 of the National Health Service (Scotland) Act 1978 (c. 29);”

PROSPECTIVE

#### *Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)*

4 (1) The Public Appointments and Public Bodies etc. (Scotland) Act 2003 is amended as follows.

(2) In section 7 (investment and borrowing), in subsection (7), for “to (6)” substitute “ or (4) ”.

(3) In section 9 (directions in relation to endowments), for the words “, and paragraph 6(1) of Schedule 7A to, the 1978 Act (which confer” substitute “ the 1978 Act (which confers ”.

PROSPECTIVE

### SCHEDULE 2

(introduced by section 11)

#### REPEALS

*Enactment*

*Extent of repeal*

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National Health Service (Scotland) Act 1978 (c. 29)	Section 7. In section 8(1), the words “and any NHS trusts in the area or combined areas” and “, any such NHS trust”. In section 9, in subsection (5), the words “and, where the Secretary of State so directs, an NHS trust”; and in subsection (7), the words “or, where the Secretary of State so directs, NHS trusts”. In section 10(4), the words “the NHS trusts”, “or of the NHS trusts” and “or NHS trusts”. Sections 12AA to 12C. Sections 12D to 12G. In section 13, the words “NHS trusts,”. Section 17A(2)(e). In section 17D, subsection (1)(a); and in subsection (2), paragraph (a) of the definition of “NHS employee”. In section 27(1)(b), the words “or by an NHS trust”. Section 35A. Section 73(c). Section 74(c) and the preceding “or”. Section 75A(1)(d) and the preceding “and”. Section 77(1)(aa). In section 82(2A), the words “or 6(2)”. Section 83(2). In section 84, in subsection (1), the words “or an NHS trust” and “or NHS trust”; in subsection (2), the words “or NHS trust” and “or NHS trusts”; and in subsection (3), the words “or an NHS trust”. In section 84A, in subsection (1), the words “or NHS trust”; subsection (2); and in subsections (3) to (7), the words “, NHS trust or local health council”, “NHS trust or council” and “NHS trust or the council” in each place where they occur. Section 85AA(7). Section 85(1)(f). In section 85A(4)(a), the words “or a local health council”. In section 85B, subsection (2)(d); and, in each of subsections (3)(a) and (4)(b), the words “or NHS trust”. In section 86, subsection (1)(c) and the preceding “and”; and subsection (1B). In section 101, the words “, an NHS trust”. Section 105(1A). In section 108, in the definition of “health service hospital”, the words “or vested in an NHS trust”; and the definitions of “local
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	health council”, “National Health Service trust” and “operational date”. Schedule 7B.
Health Services Act 1980 (c. 53)	In Schedule 6, paragraph 1.
National Health Service and Community Care Act 1990 (c. 19)	Section 29(3) and (4)(a) and (c). Sections 31 to 33. Schedule 6. In Schedule 9, in paragraph 19, subparagraphs (4), (7)(a)(ii), (11) to (14), (16), (17), (19), (21) and (22)(b) and (d).
Health Authorities Act 1995 (c. 17)	In Schedule 1, paragraph 102(7).
National Health Service (Residual Liabilities) Act 1996 (c. 15)	Section 2(2)(b).
National Health Service (Primary Care) Act 1997 (c. 46)	Section 1(7). In section 3, subsection (2)(a); and in subsection (3), paragraph (a) of the definition of “NHS employee”.
Health Act 1999 (c. 8)	Sections 46 to 49. Sections 53 to 55. In Schedule 4, paragraphs 44, 45, 62 and 63.
Public Finance and Accountability (Scotland) Act 2000 (asp 1)	In schedule 1, paragraph 2.
Abolition of Feudal Tenure etc. (Scotland) Act 2000 (asp 5)	In section 18C, in subsection (1), the words “a National Health Service trust or”, “in either case” and “the trust or as the case may be”; and in subsection (3), the words “the trust or as the case may be” and “the trust or, as the case may be,”.
Community Care and Health (Scotland) Act 2002 (asp 5)	In section 22(1), in the definition of “NHS body”, paragraph (c).
Scottish Public Services Ombudsman Act 2002 (asp 11)	In schedule 2, paragraph 4(c).
Freedom of Information (Scotland) Act 2002 (asp 13)	In schedule 1, in Part 4, paragraphs 30 and 31.
Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4)	In section 5, in subsection (3), the words “and NHS trusts”; in subsection (5), the words from “(except” to “trust)”; and subsection (6). Section 6. In section 7, subsection (3)(b) and the preceding “or”; and subsections (5) and (6). In section 8, in each of subsections (1) and (2), the words “and NHS trusts”; and subsection (3)(b) and the preceding “and”. In section 9, the words “and NHS trusts” and the words “or trust” in both places where they occur. Section 10(1) and (3).

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Title Conditions (Scotland) Act 2003 (asp 9)	In schedule 2, the entry “any National Health Service trust”. In section 46, in subsection (1), the words “a National Health Service trust, or of”; in subsection (2), the words “the trust or” in both places where those words occur, and the words “its or”; and in subsection (3), the words “the trust or” and “as the case may be”.
Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)	Section 3(3)(d) and (e).

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