

*Status: This version of this schedule contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the National Health Service Reform (Scotland) Act 2004, SCHEDULE 1. (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 ”.

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