



Public Bodies (Joint Working) (Scotland) Act 2014

2014 asp 9

PART 3

HEALTH SERVICE: FUNCTIONS

66 **Scottish Ministers: power to form companies etc.**

In section 84B of the National Health Service (Scotland) Act 1978 (joint ventures)—

- (a) in subsection (1), for “companies”, wherever it occurs, substitute “bodies corporate”,
- (b) after subsection (1), insert—

“(1A) The Scottish Ministers may do any (or all) of the following—

- (a) form or participate in forming bodies corporate for any of the purposes mentioned in subsection (1B),
- (b) participate in bodies corporate formed for any of those purposes,
- (c) with a view to securing or facilitating any of the purposes for which such a body corporate is formed—
 - (i) transfer, or secure the transfer, to the body corporate of heritable or moveable property held by the Scottish Ministers, a Health Board, the Common Services Agency for the Scottish Health Service (“the Agency”) or Healthcare Improvement Scotland (“HIS”) under or by virtue of, or for the purposes of, this Act and any rights, liabilities or obligations relating to the property,
 - (ii) otherwise invest in the body corporate (whether by acquiring assets, securities or rights or otherwise),
 - (iii) provide loans and guarantees and make other kinds of financial provision to or in respect of the body corporate.

(1B) The purposes are—

Status: This is the original version (as it was originally enacted).

- (a) management or development of any heritable property held by the Scottish Ministers, a Health Board, the Agency or HIS under or by virtue of, or for the purposes of, this Act,
- (b) management of any moveable property so held,
- (c) disposal of any such heritable or moveable property.”,
- (c) in subsection (2), for “company” substitute “body corporate”,
- (d) after subsection (2), insert—
 - “(2A) The Scottish Ministers may—
 - (a) form or participate in forming bodies corporate for a prescribed purpose,
 - (b) participate in bodies corporate formed for a prescribed purpose.
 - (2B) A purpose prescribed under subsection (2A) must relate to the functions conferred on the Scottish Ministers by or under this Act.”,
 - and
 - (e) in subsection (3), the definition of “companies” is repealed.

67 **Health Boards: carrying out of functions**

After section 12J of the National Health Service (Scotland) Act 1978, insert—

“12K Power of Health Board to carry out other Health Board’s functions

A Health Board may, with the agreement of another Health Board and the Scottish Ministers, carry out on behalf of that other Health Board any function of that other Health Board.”.