

SCHEDULE

Article 5(1)

ENACTMENTS APPLIED TO THE BOARD

PART I
THE ACT

| <i>Column 1 Enactment</i> | <i>Column 2 Nature of Provision</i> | <i>Column 3 Modifications and Limitations (where applicable)</i> |
|-------------------------------|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| In the Act— | | |
| In Part I | | |
| In Section 2— | Health Boards | |
| Sub section (3) | Variation of area and functions of Health Board | |
| Sub section (4) | Provisions incidental to variation of area or functions of Health Boards | |
| Sub section (5) | Health Boards to act in accordance with regulations or directions ⁽¹⁾ | |
| Sub section (8) | Health Board to act as principal | |
| In Section 10— | Common Services Agency | |
| Sub section (4) | Power to provide that functions of Health Boards may be referred to the Agency ⁽²⁾ | |
| Section 13 | Co-operation between Health Boards and other Authorities ⁽³⁾ | |
| Section 13A | Co-operation in planning of services for disabled persons, the elderly and others ⁽⁴⁾ | |
| Section 17A | Power to enter into arrangements with NHS bodies for the provision of goods and services (“NHS contracts”) ⁽⁵⁾ | |

⁽¹⁾ Section 2(5) was amended by the 1990 Act, Schedule 9, paragraph 19(1).⁽²⁾ Section 10(4) was amended by the 1990 Act, Schedule 10 and by the 1999 Act, Schedule 4, paragraph 44.⁽³⁾ Section 13 was amended by the 1990 Act, Schedule 9, paragraph 19(4).⁽⁴⁾ Section 13A was inserted by the National Health Service (Amendment) Act 1986 (c. 66) and amended by the 1990 Act, Schedule 9, paragraph 19(5).⁽⁵⁾ Section 17A was inserted by the 1990 Act, section 30 and amended by the Health Authorities Act 1995 c. 17, Schedule 1, paragraph 102 and amended by the 1999 Act, Schedule 4, paragraph 46.

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|-------------------------------|-------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| In Part IV | | |
| Section 77 | Default powers(6) | |
| In Part V | | |
| In Section 79– | | |
| Sub section (1A) | Power of Scottish Ministers to dispose of land(7) | |
| Sub section (3) | Power to acquire moveable property on behalf of the Scottish Ministers | |
| In Section 83– | | |
| Sub section (1) | Power to hold property on trust | |
| Section 84 | Power to trustees to make payments to Health Boards(8) | |
| Section 84A | Power to raise money and property by appeals, collections and other similar activities(9) | |
| Section 85AA | Means of meeting expenditure of Health Boards out of public funds(10) | |
| In Section 85– | Expenses of certain bodies(11) | |
| Sub section (1) | Payment of expenses of certain bodies | |
| Sub section (2) | Date of allotment | |
| Sub section (3) | Power to make directions to bodies listed in sub section(1) | |
| Sub section (4) | Conditions subject to which payments shall be made | |
| In Section 85A– | | |
| Sub section (1) | Duty of bodies referred to in section 85(1) as regards expenditure(12) | |

(6) Section 77 was amended by the 1990 Act, Schedule 9, paragraph 19(14).

(7) Section 79(1A) was repealed in part by the Requirements of Writing (Scotland) Act 1995 (c. 7), section 14(2) and Schedule 5.

(8) Section 84 was amended by the 1990 Act, Schedule 9, paragraph 19(10).

(9) Section 84A was inserted by the 1980 Act, section 5(2) and amended by the 1990 Act, Schedule 9, paragraph 19(17).

(10) Section 85AA was inserted by the 1999 Act, section 52.

(11) Section 85 was substituted by the 1999 Act, section 52.

(12) Section 85A was inserted by the 1980 Act, section 6(4) and amended by the Health and Medicines Act 1988 (c. 49), section 16(4) and by the 1999 Act, Schedule 4, paragraph 55.

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|-------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Sub section (3) | Power to make directions in relation to duty under sub-section (1) | |
| Sub section (4) | Disregard for the purposes of the section of certain trust funds | |
| Section 85B | Power to make provision for meeting losses and liabilities etc of certain health service bodies(13) | |
| Section 86 | Provision in relation to the keeping and auditing of accounts, to their submission to the Scottish Ministers(14) | |
| Section 87 | Power to make regulations as to financial arrangements of health service bodies | |
| In Part VII– | | |
| Section 101 | Protection of Health Boards(15) | |
| In Schedule 1– | Health Boards | |
| Paragraph 1 | Health Boards to be bodies corporate and have a common seal | |
| Paragraph 2 | Appointment of Chairman and members | |
| Paragraph 4 | Payment of remuneration to the Chairman and such members of Health Boards as may be prescribed(16) | |
| Paragraph 5 | Employment of officers and servants(17) | |
| Paragraph 5A | Power to make regulations as to the date of appointment(18) | |
| Paragraph 6 | Power to make regulations as to method of appointment, | |

(13) Section 85B was inserted by the 1990 Act, section 41 and amended by the 1999 Act, Schedule 4, paragraph 56.

(14) Section 86 was amended by the 1990 Act, section 36(2) to (8) and amended by the 1999 Act, Schedule 4, paragraph 57.

(15) Section 101 was amended by the 1990 Act, Schedule 9, paragraph 19(19).

(16) Paragraph 4 was amended by the 1990 Act, Schedule 5, paragraph 3.

(17) Paragraph 5 was amended by the 1980 Act, Schedule 6, paragraph 7(2) and Schedule 7.

(18) Paragraph 5A was inserted by the 1983 Act, Schedule 7, paragraph 4.

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| <i>Column 1 Enactment</i> | <i>Column 2 Nature of Provision</i> | <i>Column 3 Modifications and Limitations (where applicable)</i> |
|-------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| | qualifications, remuneration and conditions of service of officers and servants | |
| Paragraph 7 | Officers and servants employed in accordance with regulations and directions ⁽¹⁹⁾ | |
| Paragraph 7A | Power to make regulations providing for transfer of officers and servants ⁽²⁰⁾ | |
| Paragraph 7B | Directions to Health Boards to place officers or servants at disposal of other bodies ⁽²¹⁾ | |
| Paragraph 11 | Power to make regulations as to appointment, committees and procedure ⁽²²⁾ | |
| Paragraph 11A | Subscription to funds of other bodies ⁽²³⁾ | |
| Paragraph 12 | Proceedings not to be invalidated by vacancies | |
| Paragraph 13 | Payment to members of a Health Board, the committees and sub-committees thereof of travelling and other allowances, including compensation for loss of remunerative time | The words “, including compensation for loss of remunerative time,” shall be omitted |
| Paragraph 14 | Allowances not payable except in circumstances determined by the Scottish Ministers | |
| Paragraph 15 | Time and method of payment of allowances | |
| In Schedule 5– | Common Services Agency | |
| Paragraph 7B | Power to make regulations providing for the transfer of officers and servants ⁽²⁴⁾ | |

⁽¹⁹⁾ Paragraph 7 was amended by the 1980 Act, Schedule 6, paragraph 7(3).

⁽²⁰⁾ Paragraph 7A was inserted by the 1990 Act, Schedule 5, paragraph 5.

⁽²¹⁾ Paragraph 7B was inserted by the 1990 Act, Schedule 5, paragraph 5.

⁽²²⁾ Paragraph 11 was amended by the 1980 Act, Schedule 6, paragraph 7(4) and Schedule 7 and by the 1990 Act, Schedule 5, paragraph 7.

⁽²³⁾ Paragraph 11A was inserted by the 1980 Act, Schedule 6, paragraph 7(5).

⁽²⁴⁾ Paragraph 7B was inserted by the 1990 Act, Schedule 5, paragraph 11.

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| Paragraph 7C | Power to make directions as to placing of staff with other bodies(25) | |

PART II

ACTS OTHER THAN THE ACT

| <i>Column 1 Enactment</i> | <i>Column 2 Nature of Provision</i> | <i>Column 3 Modifications and Limitations (where applicable)</i> |
|----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| The Public Bodies (Admission to Meetings) Act 1960(26) | Admission of the public to meetings | |
| Health and Medicines Act 1988(27) | | |
| Section 7(1)-(8) | Extension of powers of Scottish Ministers for financing the Health Service | |
| Health Service Commissioners Act 1993(28) | Where they have delegated any function relating to the acquisition, management or disposal of land, power of the Scottish Ministers to authorise any officer of a Health Board to execute an instrument on their behalf | |
| Requirements of Writing (Scotland) Act 1995(29) Schedule 2, paragraph 6 | Provisions for investigations by the Health Service Commissioner for Scotland | |

(25) Paragraph 7C was inserted by the 1990 Act, Schedule 5, paragraph 11.

(26) 1960 c. 67.

(27) 1988 c. 49.

(28) 1993 c. 46 .

(29) 1995 c. 7.

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PART III

ENACTMENTS OTHER THAN ACTS OF PARLIAMENT

| <i>Column 1 Enactment</i> | <i>Column 2 Nature of Provision</i> | <i>Column 3 Modifications and Limitations (where applicable)</i> |
|------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974(30) | Prohibits employment for provision of services under the National Health Service of certain health professions unless they are registered under the Professions Supplementary to Medicine Act 1960(31) | |
| The National Health Service (Financial Provisions) (Scotland) Regulations 1974(32) | Preparation of estimates of income and expenditure and accounts of Health Boards and related matters of a financial nature | Limited so as to exclude the application of any provisions relative to Local Health Councils or the Common Services Agency |
| The National Health Service (Food Premises) (Scotland) Regulations 1987(33) | Health Authorities (including Health Boards) to be treated for the purpose of food legislation (as defined in the Regulations) as both owners and occupiers of premises used by them | |
| The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991(34) | The determination of remuneration and conditions of service of officers of Health Boards | |
| The Health Boards (Membership and Procedure) (No 2) Regulations 1991(35) | Provision as to the membership and procedure to be applied by Health Boards | Limited so as to exclude the application of regulation 6(1) (a) |
| The National Health Service (Appointment of Consultants) (Scotland) Regulations 1993(36) | Appointment as an officer of a Health Board of any registered medical or dental practitioner to the post of consultant or of any registered medical practitioner to the post of community medicine specialist | |

(30) S.I. 1974/549.

(31) 1960 c. 66.

(32) S.I. 1974/468.

(33) S.I. 1987/2, amended by S.I. 1990/2625.

(34) S.I. 1991/537.

(35) S.I. 1991/809, amended by S.I. 1993/1615.

(36) S.I. 1993/994

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