
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 305

**The National Waiting Times Centre
Board (Scotland) Order 2002**

Citation and commencement

1. This order may be cited as the National Waiting Times Centre Board (Scotland) Order 2002 and shall come into force on 27th June 2002.

Interpretation

2.—(1) For the purposes of this Order—

“the Act” means the National Health Service (Scotland) Act 1978;

“the Board” means the Special Health Board, to be known by the name of the National Waiting Times Centre Board, which is constituted by this Order.

(2) In this Order unless the context otherwise requires, a reference to an article or Schedule is to an article of, or the Schedule to, this Order and a reference to a paragraph is to a paragraph of the article in which the reference is made.

Constitution, name and area of the Board

3. There is hereby constituted a Special Health Board for the whole of Scotland to be known by the name of the National Waiting Times Centre Board.

Functions of the Board

4.—(1) The Board shall exercise the following functions of the Scottish Ministers namely:—

(a) to provide goods and services for the purpose of the Health Service, including in particular surgical, medical and related services at hospital accommodation and ancillary facilities located at Beardmore Way, Dalmuir, Clydebank; and

(b) functions specified in paragraph (2) subject, however, to any limitations there specified.

(2) The functions specified in this paragraph are as follows:—

(a) the power of the Scottish Ministers under section 16(1) of the Act to assist voluntary organisations whose activities include the provisions of a service similar or related to a service provided under the Act;

(b) the power of the Scottish Ministers under section 16B(1) of the Act to give financial assistance to voluntary organisations limited to assistance to such organisations whose activities consist of or include the provision of services similar to services provided by the Board or for the provision of which the Board is under a duty to make arrangements by virtue of the Act and the assistance so given is given on such terms and conditions as the Scottish Ministers might determine;

- (c) the duty of the Scottish Ministers under section 36(1) of the Act to provide throughout Scotland, to such extent as the Board considers necessary to meet all reasonable requirements, accommodation and associated services;
 - (d) the duty of the Scottish Ministers under section 37 of the Act to make arrangements to such extent as the Board considers necessary to meet all reasonable requirements for the purposes of the prevention of illness, the care of persons suffering from illness and the after-care of such persons;
 - (e) the duty of the Scottish Ministers under section 41 of the Act to such extent as the Board considers necessary to make arrangements for the giving of advice on contraception;
 - (f) the power of the Scottish Ministers under section 42 of the Act to disseminate information relating to the promotion and maintenance of health and the prevention of illness;
 - (g) the duty of the Scottish Ministers under section 47 to make available such facilities as appear to the Board to be reasonably necessary for undergraduate and post-graduate clinical teaching and research and for the education and training of persons providing or intending to provide services under the Act and to conduct or assist by grants or otherwise under that section research into any matters relating to the causation, prevention, diagnosis or treatment of illness, or into other matters relating to the health service;
 - (h) the power of the Scottish Ministers under section 48 of the Act to provide on such terms and conditions as may be agreed residential accommodation for officers employed for the purposes of any functions of the Board under the Act, including residential and practice accommodation for medical and dental practitioners;
 - (i) the powers of the Scottish Ministers under section 79(1) of the Act⁽²⁾ to take on lease or to purchase moveable property and land which is required for the purposes of the Board and to use for those purposes and manage any heritable or moveable property so acquired;
 - (j) the power of the Scottish Ministers under paragraph 4 of Schedule 1 to the Act⁽³⁾, as applied in relation to the Board by article 5, to pay remuneration to the Chairman of the Board and to such other members thereof as may be prescribed so, however, that this subparagraph shall not be construed as extending to the power to determine the remuneration or to prescribe the members to whom it may be paid; and
 - (k) the power of the Scottish Ministers under paragraph 13 of Schedule 1 to the Act, as applied in relation to the Board by article 5, to pay to members of the Board, and any committees and sub-committees thereof, travelling and other allowances so however, that this subparagraph shall not be construed as extending to the power to determine the amount of such allowances.
- (3) In exercising any functions of the Scottish Ministers to acquire, use, manage or dispose of land the Board shall ensure—
- (a) that any instrument in connection with the exercise of those functions is in the name of the Scottish Ministers and not that of the Board; and
 - (b) that, where any such instrument requires to be executed on behalf of the Scottish Ministers and it is not executed in accordance with section 1(8) of the Reorganisation of Offices (Scotland) Act 1939⁽⁴⁾, it is executed on their behalf in accordance with paragraph 6 of Schedule 2 to the Requirements of Writing (Scotland) Act 1995⁽⁵⁾.
- (4) Nothing in this Order shall prevent or restrict from exercising any function under the Act—
- (a) the Scottish Ministers;

(2) Section 79(1) was amended by the 1990 Act, Schedule 9, paragraph 19(15).

(3) Paragraph 4 of Schedule 1 was amended by the 1990 Act, Schedule 5, paragraph 3.

(4) 1939 c. 20.

(5) 1995 c. 7.

- (b) any Health Board;
- (c) any other Special Health Board; or
- (d) the Common Services Agency.

Applications of Enactments

5.—(1) Each of the enactments specified in column 1 of each Part of the Schedule (the subject matter of which is described generally in column 2) shall apply in relation to the Board as it applies in relation to Health Boards subject, however, to the modifications and limitations (if any) specified opposite thereto in column 3 and to paragraph (2).

(2) The enactments which are applied in relation to the Board by virtue of paragraph (1) are so applied only for the purposes of the exercise by the Board of the functions conferred on it by this Order.

St Andrew's House,
Edinburgh
24th June 2002

MALCOLM CHISHOLM
A member of the Scottish Executive