



# National Health Service (Scotland) Act 1972

## 1972 CHAPTER 58

### PART V

#### TRANSFER OF PROPERTY, RIGHTS, LIABILITIES AND STAFF

#### **27 Transfer of property, rights and liabilities of local authorities.**

- (1) In this section, “health functions” means any functions exercised by a local health authority by virtue of section 15 and Part III of the Act of 1947, and sections 10, 11 and 15 of the Act of 1968, and “school health functions” means any functions exercised by an education authority by virtue of sections 58, 58A and 59 of the <sup>M1</sup>Education (Scotland) Act 1962.
- (2) Subject to the following provisions of this section, all interests in property, heritable or moveable (other than those to which section 39 of this Act relates), held by a local health authority or by an education authority immediately before the appointed day, wholly or mainly for the purposes of their health functions or school health functions, shall on that day be transferred to and vest in the Secretary of State.
- (3) Subject to the following provisions of this section, all rights and liabilities (other than those to which section 39 of this Act relates), to which a local health authority or an education authority were entitled or subject immediately before the appointed day, being rights or liabilities wholly or mainly acquired or incurred in the performance of their health functions or school health functions, shall on that day be transferred to the Secretary of State.
- (4) There shall not be transferred, by virtue of subsections (2) and (3) above, buildings or parts of buildings forming part of an educational establishment within the meaning of section 145(17) of the <sup>M2</sup>Education (Scotland) Act 1962 or any rights or liabilities acquired or incurred in connection with such buildings or parts of buildings.
- (5) The Secretary of State may by order provide—

---

*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Scotland) Act 1972, Section 27. (See end of Document for details)*

---

- (a) for the manner in which it is to be determined whether property, rights or liabilities were held, acquired or incurred wholly or mainly for the purposes of or in the performance of health functions or school health functions;
- (b) for the transfer of property to the Secretary of State where that property has undergone a change of use between 20th January 1972 and the appointed day, otherwise than in the ordinary course of business;
- (c) for exempting, either temporarily or otherwise, from the provisions of this section any property, for enabling the Secretary of State to use any property so exempted or for enabling a local authority or education authority to continue to use, on such terms as may be agreed, any property transferred under this section;
- (d) for the determination of disputes arising under this section between the Secretary of State and a local health authority or education authority;
- (e) that notwithstanding subsection (3) above, such of the rights and liabilities of a local health authority or an education authority as may be specified in the order shall be enforceable by or against such Health Board as may be so specified or the Agency.

---

**Modifications etc. (not altering text)**

- C1** The “Act of 1947” and the “Act of 1968” means [National Health Service \(Scotland\) Act 1947 \(c. 27\)](#) and [Health Services and Public Health Act 1968 \(c. 46\)](#)
- 

**Marginal Citations**

- M1** 1962 c. 47.  
**M2** 1962 c. 47.

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Scotland) Act 1972, Section 27.