



# National Health Service (Scotland) Act 1972

## 1972 CHAPTER 58

### PART V

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

#### 28 Staff Commission.

- (1) In this section, “old authorities” means Regional Hospital Boards, Boards of Management, Executive Councils, local authorities, local health authorities, [Footnote: 1]port local authorities], education authorities, the Scottish Dental Estimates Board and the Drug Accounts Committee, and “new authorities” means the Health Boards and the Agency.
- (2) Not later than one month after the passing of this Act, the Secretary of State shall, after consultation with such bodies as appear to him to be concerned, including bodies representative of persons employed by the old authorities, appoint a commission, to be called the Scottish National Health Service Staff Commission (hereafter referred to as the Commission) which shall consist of such number of persons as the Secretary of State thinks fit.
- (3) The Commission shall have the following functions—
  - (a) to consider and keep under review the arrangements for the recruitment, appointment and promotion by the old and new authorities of staff likely to be affected by this Act, and to advise the Secretary of State and those authorities about such arrangements;
  - (b) to consider and keep under review the arrangements for the transfer of staff from the old to the new authorities, and to advise the Secretary of State and those authorities about such arrangements;
  - (c) to consider the steps necessary to safeguard the interests of persons employed by the old authorities and to advise the Secretary of State thereon;

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*Changes to legislation: There are currently no known outstanding effects for the National Health Service (Scotland) Act 1972, Section 28. (See end of Document for details)*

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- (d) to consider such matters relating to persons employed by the old authorities as are likely to be affected by this Act as may be referred to the Commission by the Secretary of State and to advise him thereon;
  - (e) to advise the Secretary of State on representations made to them under section 36 of this Act;
  - (f) to consider and keep under review arrangements for appointments to new posts in the new authorities which cannot be filled by transfer of persons from the old authorities.
- (4) The Secretary of State shall have power—
- (a) to give directions to the Commission as to their procedure;
  - (b) to give directions to the old and new authorities with respect to the furnishing of information requested from them by the Commission and with respect to the implementation by them of any advice given by the Commission;
  - (c) to pay the Chairman and members of the Commission such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine;
  - (d) to pay the expenses incurred by the Commission in the performance of functions approved by the Secretary of State;
  - (e) to wind up the Commission at such time as he thinks fit.

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**Textual Amendments**

- F1** Words in s. 28(1) repealed (S.) (1.10.2009) by [Public Health etc. \(Scotland\) Act 2008 \(Commencement No. 2, Savings and Consequential Provisions\) Order 2009 \(S.S.I. 2009/319\)](#), art. 2, [Sch. 3 Pt. 1](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Health Service (Scotland) Act 1972, Section 28.