



National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART V

PROPERTY AND FINANCE

Land and other property

79 Purchase of land and moveable property.

(1) The Secretary of State may purchase by agreement any moveable property and, by agreement or compulsorily, any land which he considers is required for the purposes of any service under this Act [^{F1}and may take any such property or land on lease,], and may use for those purposes any property, heritable or moveable, acquired by him or on his behalf under this Act.

[^{F2}(1A) Without prejudice to any other power of disposal, the Secretary of State may dispose of any land which he considers is no longer required for the purposes of any service under this Act ^{F3}...]

(2) Where the Secretary of State acquires premises under subsection (1) [^{F4}other than on lease] he may acquire compulsorily, in accordance with Schedule 13, any equipment, furniture or other moveable property used in or in connection with the premises.

[^{F5}(2A) For the avoidance of doubt, the power to use heritable property conferred by subsection (1), and the power to dispose of land conferred by subsection (1A), include power to let the property or, as the case may be, land.]

(3) Any Health Board [^{F6}, the Agency or (in connection with the exercise of its health service functions only) HIS] may acquire on behalf of the Secretary of State any moveable property which may be required for the purposes aforesaid.

(4) For the purpose of the purchase of land by agreement by the Secretary of State—

Status: Point in time view as at 07/12/2019. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 79 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the Lands Clauses Acts (except so much thereof as relates to the acquisition of land otherwise than by agreement, and the provisions relating to access to the special Act, and except sections 120 to 125 of the ^{M1}Lands Clauses Consolidation (Scotland) Act 1845), and
- (b) section 6 and sections 70 to 78 of the ^{M2}Railways Clauses Consolidation (Scotland) Act 1845 (as originally enacted and not as amended by section 15 of the ^{M3}Mines (Working Facilities and Support) Act 1923),

are hereby incorporated with this section; and in construing those Acts for the purposes of this section, this section shall be deemed to be the special Act and the Secretary of State shall be deemed to be the promoter of the undertaking.

Textual Amendments

- F1** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 19\(15\)\(a\)](#)
- F2** S. 79(1A) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 14(2), [Sch. 7 para. 3](#)
- F3** Words in s. 79(1A) repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), [Sch. 5](#) (with ss. 9(3)(5)(7), 13, 14(3))
- F4** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 19\(15\)\(b\)](#)
- F5** S. 79(2A) inserted (30.9.2004) by [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\)](#), ss. 11, 12(1), [Sch. 1 para. 1\(6\)](#); S.S.I. 2004/361, [art. 2\(b\)\(iv\)](#)
- F6** Words in s. 79(3) substituted (1.10.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [Public Services Reform \(Scotland\) Act 2010 \(asp 8\)](#), s. 134(7), [Sch. 17 para. 11](#); S.S.I. 2010/321, [art. 3, Sch.](#); S.S.I. 2011/122, [art. 2, Sch.](#)

Modifications etc. (not altering text)

- C1** S. 79(1) extended by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), [ss. 17\(2\)](#), 91(6)
- C2** By [S.I. 1990/2369, art. 4\(2\)\(c\)](#) certain functions of the Secretary of State under s. 79(1) are made exercisable (1.4.1991) by the Health Education Board for Scotland
- C3** S. 79(1): functions transferred (27.6.2002) by [S.S.I. 2002/305, art. 4\(2\)\(i\)](#) (with [art. 4\(4\)](#))
S. 79(1): functions transferred (31.3.2002) by [S.S.I. 2002/103, art. 4\(2\)\(c\)](#) (with [art. 4\(4\)](#))
- C4** S. 79(1A) applied (1.4.1991) by [S.I. 1990/2639, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#) (which amendment fell on 1.4.2003 by virtue of the omission of the amending provision by [S.S.I. 2003/154, art. 6\(b\)](#))
- C5** By [S.I. 1990/2369, art. 4\(2\)\(d\)](#) certain functions of the Secretary of State under s. 79(1A) (see entry above) are made exercisable by the Health Education Board for Scotland
- C6** S. 79(1A)(3) applied (with modifications) (1.4.1993) by [S.I. 1993/577, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#) (with [art. 6](#))
S. 79(1A)(3) applied (1.4.1995) by [S.I. 1995/574, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#) (with [art. 6](#))
S. 79(1A)(3) applied (1.4.1999) by [S.I. 1999/686, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#)
S. 79(1A)(3) applied (1.4.1999) by [S.I. 1999/726, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#)
S. 79(1A)(3) applied (1.4.2000) by [S.S.I. 2000/47, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#)
S. 79(1A)(3) applied (6.4.2001) by [S.S.I. 2001/137, art. 5\(1\)](#), [Sch. Pt. I](#)
S. 79(1A)(3) applied (31.3.2002) by [S.S.I. 2002/103, art. 6, Sch. Pt. I](#) (with [art. 4\(4\)](#))
S. 79(1A)(3) applied (27.6.2002) by [S.S.I. 2002/305, art. 5\(1\)](#), [Sch. Pt. I](#) (with [art. 4\(4\)](#))
- C7** S. 79(3) applied (1.4.1991) by [S.I. 1990/2639, art. 5\(1\)\(2\)](#), [Sch. Pt. I](#)
- C8** S. 79(3) applied (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), [art. 1\(2\)](#), [sch. 1 Pt. 1](#) (with [art. 4\(4\)\(5\)](#))

Marginal Citations

- M1** 1845 c. 19.

Status: Point in time view as at 07/12/2019. This version of this provision has been superseded.

Changes to legislation: National Health Service (Scotland) Act 1978, Section 79 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

M2 1845 c. 33.

M3 1923 c. 20.

Status:

Point in time view as at 07/12/2019. This version of this provision has been superseded.

Changes to legislation:

National Health Service (Scotland) Act 1978, Section 79 is up to date with all changes known to be in force on or before 28 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.