

*Status: Point in time view as at 24/10/1994. This version of this provision has been superseded.*

*Changes to legislation: National Health Service and Community Care Act 1990, Paragraph 3 is up to date with all changes known to be in force on or before 02 June 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)*

## SCHEDULES

### SCHEDULE 7

#### AMENDMENTS RELATING TO AUDIT OF ACCOUNTS OF SCOTTISH HEALTH SERVICE BODIES

##### *The Local Government (Scotland) Act 1973*

- 3 (1) Section 97 (establishment of Commission for Local Authority Accounts in Scotland) shall be amended as follows.
- (2) In subsection (1)—
- (a) for the words “Commission for Local Authority Accounts in Scotland” there shall be substituted “Accounts Commission for Scotland”;
  - (b) for the word “twelve” there shall be substituted “fifteen”;
  - (c) for the word “nine” there shall be substituted “eleven”; and
  - (d) after the word “authorities” there shall be inserted “and such organisations connected with the health service”.
- (3) In subsection (2)—
- (a) in paragraph (a)—
    - (i) after the words “accounts of” there shall be inserted “(i)”, and
    - (ii) after the word “authorities” there shall be inserted the following sub-paragraphs—
      - “(ii) the bodies mentioned in section 86(1) (a) to (c) of the National Health Service (Scotland) Act 1978;
      - (iii) the members of every recognised fund-holding practice;
      - (iv) the Mental Welfare Commission for Scotland; and
      - (v) any State Hospital Management Committee constituted under section 91 of the Mental Health (Scotland) Act 1984,”;
  - (b) in paragraph (c), after the word “authorities” there shall be inserted “or, as the case may be, health service bodies”; and
  - (c) in paragraph (d), after the word “authorities” there shall be inserted “or health service bodies”.
- (4) After subsection (2) there shall be inserted the following subsections—
- “(2A) Subject to section 100(1A) of this Act, in relation to the members of a recognised fund-holding practice, any reference in this Part of this Act to their accounts is a reference only to the accounts relating to allotted sums paid to them.

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(2B) In this Part of this Act—

“health service body” means a body referred to in subsection (2)

(a)(ii) to (v) above; and

“recognised fund-holding practice” and “allotted sum” have the same meanings as in section 87B of the National Health Service (Scotland) Act 1978.”

(5) In subsection (3), after the word “authorities” there shall be inserted “and such organisations connected with the health service”.

(6) After subsection (4) there shall be inserted the following subsections—

“(4A) It shall be the duty of the Commission to make, by such date as the Secretary of State may determine, an offer of employment by the Commission to each person employed in the civil service of the State in connection with the audit of the accounts of any health service body whose name is notified to the Commission by the Secretary of State for the purposes of this subsection; and the terms of the offer must be such that they are, taken as a whole, not less favourable to the person to whom the offer is made than the terms on which he is employed on the date on which the offer is made.

(4B) An offer made in pursuance of subsection (4A) above shall not be revocable during the period of three months beginning with the date on which it is made.

(4C) Where a person becomes an officer of the Commission in consequence of subsection (4A) above, then, for the purposes of the Employment Protection (Consolidation) Act 1978, his period of employment in the civil service of the State shall count as a period of employment by the Commission and the change of employment shall not break the continuity of the period of employment.

(4D) Where a person ceases to be employed as mentioned in subsection (4A) above—

(a) on becoming an officer of the Commission in consequence of an offer made in pursuance of that subsection; or

(b) having unreasonably refused such an offer,

he shall not, on ceasing to be so employed, be treated for the purposes of any scheme under section 1 of the Superannuation Act 1972 as having been retired on redundancy.”

(7) At the end of subsection (6) there shall be added—

“or a person who is, within the period of five years beginning with the relevant date, approved by the Secretary of State, acting on the recommendation of the Commission and whose approval is not (whether during that period or after its expiry) withdrawn by the Secretary of State acting on such recommendation.

(6A) In subsection (6) above, “the relevant date” means the date appointed for the coming into force of paragraph 3(3) of Schedule 7 to the National Health Service and Community Care Act 1990.”

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#### Commencement Information

- II** Sch. 7 para. 3 wholly in force; Sch. 7 para. 3 not in force at Royal Assent see s.67(2); Sch. 7 para. 3 in force for certain purposes at 24.10.1994 and 1.12.1994 and and 1.4.1995 so far as not already in force by S.I. 1994/2658, arts. 2, 3, 4

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