
STATUTORY INSTRUMENTS

1990 No. 2639

The Health Education Board for Scotland Order 1990

Citation and commencement

- 1.—(1) This Order may be cited as the Health Education Board for Scotland Order 1990.
- (2) Subject to paragraph (3), this Order shall come into force on 1st April 1991.
- (3) The provisions of this Order shall come into force on 18th January 1991 for the purposes of—
- (a) the provisions of article 3;
 - (b) the provisions of article 5(1) as to the application in relation to the Board of the following enactments specified in the Schedule:—
 - (i) in the provisions of the Act specified in Part I, section 101 and in Schedule 1 paragraphs 1, 2, 4, 5, 6, 7, 9 to 11 and 12 to 15 and in Schedule 5 paragraphs 7B and 7C;(1) and
 - (ii) the enactments specified in Part II except the Public Bodies (Admission to Meetings) Act 1960(2) and the Overseas Development and Co-operation Act 1980(3) and in Part III except the National Health Service (Vehicles) (Scotland) Order 1974(4) and the National Health Service (Food Premises) (Scotland) Regulations 1987(5).

Interpretation

- 2.—(1) For the purposes of this Order unless the context otherwise requires—
- “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 Health Education Board for Scotland, which is constituted by this Order;
 - “enactment” includes order and regulation.
- (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 Health Education Board for Scotland.

Functions of the Board

- 4.—(1) The Board shall exercise the following functions of the Secretary of State namely:—

(1) See footnotes to Part I of the Schedule to this Order.
(2) 1960 c. 67.
(3) 1980 c. 63.
(4) S.I. 1974/1491.
(5) S.I. 1987/2.

- (a) functions in relation to health education conferred on him by the Act including, without prejudice to the foregoing generality, those specified in section 42 (health education), 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 Secretary of State to assist voluntary organisations under section 16 of the Act⁽⁶⁾;
 - (b) the power of the Secretary of State to give financial assistance to voluntary organisations under section 16B of the Act⁽⁷⁾ limited to assisting such organisations to which that section would apply if the expression “relevant service” within the meaning thereof were limited to the provision of health education services and the assistance were upon such terms and subject to such conditions as the Secretary of State, with the approval of the Treasury, might determine;
 - (c) the powers of the Secretary of State under section 79(1) of the Act⁽⁸⁾ 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;
 - (d) the powers of the Secretary of State under section 79(1A) of the Act⁽⁹⁾ to dispose of land no longer required for the purposes of the Board disregarding so much of that sub-section as relates to the function of the Secretary of State to authorise certain officers to execute instruments on his behalf;
 - (e) the power of the Secretary of State under paragraph 4 of Schedule 1 to the Act⁽¹⁰⁾, 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 sub-paragraph 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
 - (f) the power of the Secretary of State 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 sub-paragraph shall not be construed as extending to the power to determine the amount of such allowances.
- (3) In exercising any functions of the Secretary of State 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 Secretary of State for Scotland and not that of the Board; and
 - (b) that, where any such instrument requires to be executed on his behalf by the Secretary of State for Scotland and it is not executed in accordance with section 1(8) of the Reorganisation of Offices (Scotland) Act 1939⁽¹¹⁾, it is executed on his behalf in accordance with section 79(1A) of the Act⁽¹²⁾.

Application 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

⁽⁶⁾ Section 16 was amended by the 1980 Act, Schedule 7.

⁽⁷⁾ Section 16B was inserted by the 1983 Act, section 3.

⁽⁸⁾ Section 79(1) was amended by the 1990 Act, Schedule 9 paragraph 19(15).

⁽⁹⁾ Section 79(1A) was inserted by the 1983 Act, Schedule 7 paragraph 3.

⁽¹⁰⁾ Paragraph 4 of Schedule 1 was amended by the 1990 Act, Schedule 5 paragraph 3.

⁽¹¹⁾ 1939 c. 20.

⁽¹²⁾ Section 79(1A) was inserted by the 1983 Act, Schedule 7, paragraph 3.

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.

Saving for powers of the Secretary of State, Health Boards and the Agency

6. Nothing in this Order shall prevent the Secretary of State, a Health Board or the Common Services Agency for the Scottish Health Service from exercising any function conferred or imposed upon any one of them by or under any enactment or rule of law or affect or restrict the exercise of any such function by them or any one of them.

St Andrew's House,
Edinburgh
20th December 1990

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