

*These notes relate to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4) which received Royal Assent on 11 March 2003*

# **PUBLIC APPOINTMENTS AND PUBLIC BODIES ETC. (SCOTLAND) ACT 2003**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Health Service Bodies***

#### ***Section 5 – Property of the Scottish Hospital Trust***

20. This section relates to the transfer of the endowments of the Scottish Hospital Trust to the fifteen Health Boards.
21. *Subsection (1)* provides for the transfer of all the property held by the Scottish Hospital Trust, endowments held by statute and other endowments transferred to the Scottish Hospital Trust (by, for example, Boards of Management, Regional Hospital Boards, Health Boards and NHS trusts) and any accumulated income thereof to be transferred to the Health Boards.
22. *Subsection (2)* enables the Scottish Ministers to make regulations providing for the division of property transferred from the Scottish Hospital Trust between different Health Boards and provides for any of the Scottish Hospital Trust property to be realised for value and for that value to be transferred.
23. *Subsection (3)* requires there to be consultation with the Scottish Hospital Trust and all the Health Boards and NHS trusts before regulations are made.
24. *Subsection (4)* provides for a Health Board to transfer property which has been transferred to it from the Scottish Hospital Trust on to another Health Board subject to conditions of transfer which the Scottish Ministers may provide for through regulations.
25. *Subsection (5)* provides for endowments transferred under *subsection (4)* to be transferred back to the Health Board within a reasonable time, if the relevant Health Board requires this.
26. *Subsection (6)* defines the expression ‘NHS trust’.