



Public Appointments and Public Bodies etc. (Scotland) Act 2003

2003 asp 4

PART 2

PROVISION AS TO CERTAIN PUBLIC BODIES ETC.

Health Service bodies

5 Property of the Scottish Hospital Trust

(1) Any—

- (a) endowment (and accumulated income thereof) held by the Scottish Hospital Trust by virtue of subsection (3) of section 11 (Scottish Hospital Trust) of the National Health Service (Scotland) Act 1978 (c. 29) (in this Act referred to as the “1978 Act”);
- (b) endowment and other property (and accumulated income thereof) held by it by virtue of paragraph 4(e) to (f) of Schedule 6 (the Hospital Trust) to that Act; and
- (c) other property and rights of or held by the Scottish Hospital Trust (of whatever kind),

(in this section and section 6 referred to as the “Trust property”) is transferred to, and vested in, the Health Boards.

(2) The Scottish Ministers may by regulations make provision for the purposes of or in connection with the transfer and vesting of the Trust property by virtue of subsection (1) and may, in particular, make provision as to how the Trust property is to be divided among different Health Boards, including—

- (a) prescribing the method of calculating the capital value of the property and the share of each Health Board in it;
- (b) providing for any of the Trust property to be realised for value and for the value to be transferred to and vested in the appropriate Health Board in lieu of the property.

Changes to legislation: Public Appointments and Public Bodies etc. (Scotland) Act 2003, Section 5 is up to date with all changes known to be in force on or before 14 April 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) View outstanding changes

- (3) Before making regulations under subsection (2), the Scottish Ministers must consult the Scottish Hospital Trust and all Health Boards and NHS trusts on the proposed regulations.
- (4) Any Trust property (including any value in lieu of the property) which has been transferred to a Health Board by virtue of subsections (1) and (2), may be transferred by the Board to, and vested in, another Health Board, subject to such conditions (including conditions as to the extent of any transfer or of the transfer of any class of property) as the Scottish Ministers may by regulations provide for.
- (5) Where Trust property has been transferred by a Health Board to another Health Board under subsection (4), the other Health Board is (except where, by virtue of a subsequent transfer, the property is held by an NHS trust) to transfer it back to the Health Board which made the transfer within a reasonable time of any requirement for such a transfer as that Health Board may make; and any property so transferred vests in that Health Board.
- (6) In this section and sections 6 to 9, the expression “NHS trust” is to be construed in accordance with section 108(1) (interpretation) of the 1978 Act.

Commencement Information

- I1** S. 5(1) in force at 12.2.2004 for specified purposes and 31.3.2004 in so far as not already in force by S.S.I. 2003/602, **art. 2(3)** (as substituted (2.2.2004) by S.S.I. 2004/45, art. 2(2))
- I2** S. 5(2)-(6) in force at 1.1.2004 by S.S.I. 2003/602, **art. 2(1)**

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 5(3) words repealed by [2004 asp 7 sch. 2](#)
- s. 5(5) words repealed by [2004 asp 7 sch. 2](#)
- s. 5(6) repealed by [2004 asp 7 sch. 2](#)