



National Health Service Reform (Scotland) Act 2004

2004 asp 7

PART 1

ORGANISATION AND OPERATION OF NATIONAL HEALTH SERVICE

Organisation

1 Dissolution of National Health Service trusts: modification of enactments

- (1) In the National Health Service (Scotland) Act 1978 (c. 29) (referred to in this Act as “the 1978 Act”), section 12A and Schedule 7A (establishment, functions, dissolution etc. of National Health Service trusts) are repealed.
- (2) In section 82 of the 1978 Act, after subsection (2A) insert—

“(2B) All endowments and property held in trust transferred to a Health Board by an order under paragraph 26 of Schedule 7A (whenever made) are held by the Health Board free of any trust existing immediately before the transfer (hereafter in this section referred to in relation to any such endowment or property as “the original trust”); but all such endowments and property shall be held by the Health Board on trust for such purposes relating to services provided under this Act, or to the functions of the Board with respect to research, as the Board may think fit.”
- (3) Until the coming into force of subsection (1) so far as repealing Schedule 7A to the 1978 Act, paragraph 26 of that Schedule has effect with the insertion after sub-paragraph (1) of the following sub-paragraph—

“(1A) For the avoidance of doubt, the reference to “property, rights and liabilities” in sub-paragraph (1) includes endowments and property held in trust.”

Commencement Information

II [S. 1\(1\)](#) in force for specified purposes at 1.9.2004 by [S.S.I. 2004/361](#), [art. 2\(a\)\(i\)](#)

Changes to legislation: There are currently no known outstanding effects for the National Health Service Reform (Scotland) Act 2004, Cross Heading: Organisation. (See end of Document for details)

I2 S. 1(2)(3) in force at 30.9.2004 by S.S.I. 2004/361, **art. 2(b)(i)**

^{F1}2 Community health partnerships

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Textual Amendments

F1 S. 2 repealed (1.4.2015) by Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), **ss. 71(4), 72(2)**; S.S.I. 2014/231, art. 3

3 Duty in relation to governance of staff

After section 12H of the 1978 Act insert—

“12I Duty in relation to governance of staff

It shall be the duty of every Health Board and Special Health Board and of the Agency to put and keep in place arrangements for the purposes of—

- (a) improving the management of the officers employed by it;
- (b) monitoring such management; and
- (c) workforce planning.”

Commencement Information

I3 S. 3 in force at 30.9.2004 by S.S.I. 2004/361, **art. 2(b)(i)**

Changes to legislation:

There are currently no known outstanding effects for the National Health Service Reform (Scotland) Act 2004, Cross Heading: Organisation.