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**Changes to legislation:** National Health Service and Community Care Act 1990, Cross Heading: Health Boards is up to date with all changes known to be in force on or before 18 January 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](#)

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## SCHEDULES

### SCHEDULE 5

#### HEALTH BOARDS, THE COMMON SERVICES AGENCY AND STATE HOSPITALS

##### *Health Boards*

- 1 Schedule 1 to the 1978 Act shall be amended in accordance with paragraphs 2 to 7 below.
- 2 After paragraph 2 of that Schedule (membership of Health Boards) there shall be inserted the following paragraph—
  - “2A In the case of a prescribed Health Board at least one of the persons appointed under paragraph 2 above must hold a post in a university with a medical or dental school.”
- 3 In paragraph 4 of that Schedule (remuneration), after the words “Health Board” there shall be inserted “and to such other members of a Health Board as may be prescribed”.
- 4 At the end of paragraph 5A of that Schedule there shall be added the words “and a direction under that paragraph may relate to a particular officer or servant or class of officer or servant specified in the direction”.
- 5 After paragraph 7 of that Schedule there shall be inserted the following paragraphs—
  - “7A Regulations may provide for the transfer of officers and servants from a Health Board to—
    - (a) another Health Board;
    - (b) the Agency; or
    - (c) a state hospital,and for arrangements under which the services of an officer or servant of a Health Board are placed at the disposal of a body mentioned in sub-paragraphs (a) to (c).
  - 7B Directions may be given by the Secretary of State—
    - (a) to a Health Board to place services of any of its officers or servants at the disposal of a body mentioned in sub-paragraphs (a) to (c) of paragraph 7A; and
    - (b) to any such body to employ as an officer or servant any person who is or was employed by a Health Board and is specified in the direction,and a Board or body to which such directions are given shall comply with the directions.

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- 7C Before making regulations under paragraph 7A or 8A, the Secretary of State shall consult such bodies and organisations as appear to him to be concerned.”
- 6 After paragraph 8 of that Schedule there shall be inserted the following paragraph—
- “8A In connection with arrangements relating to community care services (within the meaning of section 5A(4) (local authority plans for community care services) of the Social Work (Scotland) Act 1968), regulations may make provision with respect to—
- (a) the transfer to employment by a local authority of officers or servants employed by a Health Board; and
  - (b) the transfer to employment by a National Health Service body of officers and servants transferred to employment by a local authority by virtue of this paragraph,
- and for the purposes of this paragraph “National Health Service body” means a Health Board, the Agency or an NHS trust.”
- 7 In paragraph 11(b) of that Schedule (delegation to committees etc), for the words “composed, as to a majority, by members of Health Boards” there shall be substituted “constituted in accordance with the regulations”.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A(1)(c) and word added by [S.I. 2006/1056 Sch. para. 5\(a\)\(ii\)](#) (This amendment comes into force on the day on which 2005 asp 13, s. 20 comes into force, see art. 1(2)(b))