

**2003 No. 602 (C. 33)**

**PUBLIC BODIES**

**NATIONAL HEALTH SERVICE**

**The Public Appointments and Public Bodies etc. (Scotland) Act  
2003 (Commencement No. 4) Order 2003**

*Made* - - - - *12th December 2003*

The Scottish Ministers, in exercise of the powers conferred by section 21(2) and (3) of the Public Appointments and Public Bodies etc. (Scotland) Act 2003(a), and of all other powers enabling them in that behalf, hereby make the following Order:

**Citation and interpretation**

**1.**—(1) This Order may be cited as the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (Commencement No. 4) Order 2003.

(2) In this Order “the Act” means the Public Appointments and Public Bodies etc. (Scotland) Act 2003.

**Commencement of provisions**

**2.**—(1) The day appointed for the coming into force of sections 5(2) to (6), 7(8) and 8 of the Act is 1st January 2004.

(2) The day appointed for the coming into force of section 17—

- (a) in so far as it relates to the provision in schedule 4 specified in paragraph 4(c); and
- (b) paragraph 5(15) of schedule 4 to,

the Act is 6th February 2004.

(3) The day appointed for the coming into force of section 5(1) is—

- (a) in relation to the transfer to and vesting in Health Boards of the property comprised in the main transfer of Trust property within the meaning of regulation 2(1) of the Scottish Hospital Trust (Transfer of Property) Regulations 2004, 12th February 2004; and
- (b) in relation to all other purposes, 31st March 2004.

(4) The day appointed for the coming into force of—  
(a) section 6;  
(b) the remainder of section 7; and  
(c) sections 9 and 10,  
of the Act is 12th February 2004.

St Andrew's House,  
Edinburgh  
12th December 2003

*MALCOLM CHISHOLM*  
A member of the Scottish Executive

## EXPLANATORY NOTE

*(This note is not part of the Order)*

The Order brings into force sections 5 to 10 and 17 of, and paragraphs 4 (partially) and 5(15) of Schedule 4 to the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (“the Act”), relating to health service bodies.

Article 2(1) brings into force section 5(2) and (3) (which make provision as to regulation-making powers for the purposes of or in connection with the transfer and vesting of property of the Scottish Hospital Trust (“the Trust”), 7(8) (which makes provision as to regulation-making powers for the terms and conditions to apply to any loans or borrowing by a Health Board or NHS trust) and 8 (which makes provision for regulation-making powers to make a scheme for the distribution of the income from endowments held by Health Boards and NHS trusts) on 1st January 2004.

Article 2(1) also brings into force section 5(4) and (5) (which make provision as to a regulation-making power to provide for conditions on the transfer of Trust property transferred to a Health Board to another Health Board, and for transfers back) and (6) (which provides for a definition of “NHS trust”) on 1st January 2004.

Article 2(2) brings into force schedule 4 paragraph 4(c) (which makes a consequential amendment to the Race Relations Act 1976) paragraph 5(15) (which amends the powers of Health Boards in Schedule 1 to the National Health Service (Scotland) Act 1978, so that Health Boards may no longer transfer certain endowments and income to the Trust for investment and management on the Health Board’s behalf or borrow from the Trust against their share in the capital of the Trust) on 6th February 2004.

Article 2(3) brings into force section 5(1) for the purpose of the main transfer of property from the Scottish Hospital Trust to Health Boards under regulation 2(1) of the Scottish Hospital Trust (Transfer of Property) Regulations 2004 on 12th February 2004, and for all other purposes on 31st March 2004.

Article 2(4) brings into force sections 6 (transfer of certain property between Health Boards and NHS trusts), 7 (investment and borrowing), 9 (directions in relation to endowments) and 10 (holding of certain property by NHS trusts and Health Boards) on 12th February 2004.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:–

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 4(a) and (b)	31st May 2003	2003/219
Section 4(e)	15th August 2003	2003/384
Section 11 to 14	15th August 2003	2003/384
Section 15 and 16	1st June 2003	2003/219
Section 17 (partially)	31st May 2003	2003/219
Section 17 (partially)	1st June 2003	2003/219
Section 17 (partially)	15th August 2003	2003/348
Schedule 3	5th July 2003	2003/348
Schedule 4–		
Paragraphs 2, 4(a) and (b), 6, 10, 13, 17(b)(i) and (ii)	31st May 2003	2003/219

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Paragraph 17(c)(ii)	1st June 2003	2003/219
Paragraphs 1, 3(b), 4(e), 7, 9, 12, 15(b) and 17(b)(iii)	15th August 2003	2003/348

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