

SCHEDULES

SCHEDULE 1

Article 5(1)

Enactments applied to the Board

PART 1

The Act

Commencement Information

II Sch. 1 Pt. 1 in force at 7.12.2019, see [art. 1\(2\)](#)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications Limitations and (where applicable)
In the Act—		
In part 1—	Organisation	
In section 2—	Health Boards	
Subsection (3)	Variation of area of Health Board	
Subsection (4)	Provision incidental to variation of area of Health Board	
Subsection (5)	Health Boards to act in accordance with regulations or directions(1)	
Subsection (8)	Health Board to act as principal	
In section 10—	Common Services Agency	
Subsection (4)	Power to provide that functions of Health Boards may be referred to the Agency(2)	

(1) Section 2(5) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(1).

(2) Section 10(4) was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(2) and schedule 10, paragraph 1 and the Health Act 1999 (c.8), schedule 4, paragraph 44.

Changes to legislation: There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 1. (See end of Document for details)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Section 12J	Co-operation with other Health Boards, Special Health Boards and the Agency(3)	In subsection (1) for “one another” substitute “Health Boards”. In subsection (2)(a) for “another” substitute “a”. Omit “other”. In subsection (2)(b) omit “other”. In subsection (3)(a) for “another” substitute “a”.
Section 12K	Power of Health Board to carry out other Health Board’s functions(4)	For “another” substitute “a”. After “Health Board” insert “or Special Health Board” each time it appears.
Section 13	Co-operation between Health Boards and other Authorities(5)	After “integration joint boards” insert “, Health Boards”.
Section 13A	Co-operation in planning of services for disabled persons, the elderly and others(6)	After “(including HIS” insert “and Health Boards”.
In section 15—	Supply of goods and services to local authorities, etc.	
Subsection (1)(b)	Supply etc. of equipment, goods or materials to local and education authorities, government departments and other public bodies	
Subsection (1)(c)	Provision of services to local and education authorities(7)	
Subsection (1)(d)	Use of health service premises by local and education authorities	

- (3) Section 12J was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7), section 5.
(4) Section 12K was inserted by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 67.
(5) Section 13 was amended by the National Health Service and Community Care Act 1990 (c. 19), section 66(1) and schedule 9, paragraph 19(4), the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 5 and S.S.I. 2015/157.
(6) Section 13A was inserted by the National Health Service (Amendment) Act 1986 (c. 66), section 5(1) and amended by the National Health Service and Community Care Act 1990 (c. 19), section 66, schedule 9, paragraph 19(5) and schedule 10, paragraph 1 and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 6.
(7) Section 15(1)(c) was amended by the Health Services Act 1980 (c.53), section 3(2) and the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(a)(i).

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Subsection (1)(e)	Use of health service vehicles etc. by local and education authorities(8)	
Subsection (2)	Arrangements with third parties for the supply of equipment, goods and materials(9)	For “paragraphs (a) and” substitute “paragraph”. Omit “(including paragraph (a))” to “subsection (1A))”.
Section 16A	Power to make payments towards expenditure on community services(10)	
In part IV—	Powers of the Scottish Ministers	
Section 77	Default powers(11)	
Section 78B	Relationship of sections 77, 78 and 78A(12)	
In part V—	Property and Finance	
In section 79—	Purchase of land and moveable property	
Subsection (3)	Power to acquire moveable property on behalf of the Scottish Ministers(13)	
In section 83—	Power of Health Boards and local health councils to hold property on trust	
Subsection (1)	Power to hold property on trust(14)	
Subsection (1A)	Power to hold property on trust(15)	

(8) Section 15(1)(e) was amended by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(a)(ii).

(9) Section 15(2) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 7(b) and the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 63(3)(c).

(10) Section 16A was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 2, the Housing (Consequential Provisions) Act 1985 (c.71), section 4(1) and schedule 23, paragraph 41, the Local Government etc. (Scotland) Act 1994 (c.39), schedule 13, paragraph 112(2) and schedule 14, the Education (Additional Support for Learning) (Scotland) Act 2004 (asp 4), schedule 3, paragraph 2 and S.I 1996/974.

(11) Section 77 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(14), the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), schedule 4, paragraph 5(11), the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 3 and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 9.

(12) Section 78B was inserted by the National Health Service Reform (Scotland) Act 2004 (asp 7), section 6.

(13) Section 79(3) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 11.

(14) Section 83(1) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 12(a).

(15) Section 83(1A) was inserted by the Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), section 10(3).

Changes to legislation: There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 1. (See end of Document for details)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Section 84	Power of trustees to make payments to Health Boards(16)	
Section 84A	Power to raise money and property by appeals, collections and other similar activities(17)	
Section 84B	Joint ventures(18)	
Section 85AA	Means of meeting expenditure of health boards out of public funds(19)	
In section 85A	Financial duties of bodies referred to in section 85	
Subsection (4)	Disregard for the purposes of the section of certain trust funds(20)	
Section 86	Provision in relation to the keeping and auditing of accounts and their submission to the Scottish Ministers(21)	
Section 87	Power to make regulations as to financial arrangements of health service bodies(22)	
In schedule 1–	Health Boards	
Paragraph 1	Health Boards to be bodies corporate and have a common seal	
In paragraph 2	Appointment of Chairman and members(23)	

(16) Section 84 was amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(16) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 13.

(17) Section 84A was inserted by the Health Services Act 1980 (c.53), section 5(2) and amended by the National Health Service and Community Care Act 1990 (c.19), section 66(1) and schedule 9, paragraph 19(17) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 14.

(18) Section 84B was inserted by the Smoking, Health and Social Care (Scotland) Act 2005 (asp 13), section 37(1) and was amended by the Public Bodies (Joint Working) (Scotland) Act 2014 (asp 9), section 66.

(19) Section 85AA was inserted by the Health Act 1999 (c.8), section 52 and amended by the Primary Medical Services (Scotland) Act 2004 (asp 1), schedule 1, paragraph 1(16) and the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 15.

(20) Section 85A(4) was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 17.

(21) Section 86 was amended by the National Health Service and Community Care Act 1990 (c.19), section 36 and schedule 10, paragraph 1, the Health Act 1999 (c.8), schedule 5, paragraph 1, the Public Finance and Accountability (Scotland) Act 2000 (asp 1), schedule 4, paragraph 4(3), the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 19.

(22) Section 87 was amended by the Public Services Reform (Scotland) Act 2010 (asp 8), schedule 17, paragraph 20.

(23) Paragraph 2 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), sections 1(2) and 6(4).

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Sub-paragraph (1)	Health Boards to consist of certain types of members	In sub-paragraph 1(b), omit “following nomination” to the end.
Paragraph 3A	Chairman may not be an employee of that Health Board(24)	
Paragraph 4	Payment of remuneration to the Chairman and such members of Health Boards as may be prescribed(25)	
Paragraph 5	Employment of officers and servants(26)	
Paragraph 5A	Provision concerning regulations and directions made under paragraph 5 above(27)	
Paragraph 6	Power to make regulations as to method of appointment, qualifications, remuneration and conditions of service of officers and servants	
Paragraph 7	Officers and servants employed in accordance with regulations and directions(28)	
Paragraph 7A	Power to make regulations providing for transfer of officers and servants(29)	In sub-paragraph (a) for “another” substitute “a”. After sub-paragraph (a), insert “(aa) another Special Health Board;”.
Paragraph 7B	Directions to Health Boards to place officers or servants at disposal of other bodies(30)	

(24) Paragraph 3A was inserted by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(5).

(25) Paragraph 4 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), schedule 1, paragraph 1.

(26) Paragraph 5 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(2) and schedule 7.

(27) Paragraph 5A was inserted by the Health and Social Services and Social Security Adjudications Act 1983 (c.41), section 14(2) and schedule 7, paragraph 4(1) and amended by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 4.

(28) Paragraph 7 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(3).

(29) Paragraph 7A was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 5.

(30) Paragraph 7B was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 5.

Changes to legislation: There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 1. (See end of Document for details)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Paragraph 11	Power to make regulations as to appointments, committees and procedure(31)	
Paragraph 11A	Subscription to funds of other bodies(32)	
Paragraph 12	Proceedings not to be invalidated by vacancies(33)	
Paragraph 13	Payment to members of a Health Board and its committees and sub-committees of travelling and other allowances, including compensation for loss of remunerative time	Omit “, including compensation for loss of remunerative time,”.
Paragraph 14	Allowances not payable except in circumstances determined by the Scottish Ministers	
Paragraph 15	Time and method of payment of allowances	
In schedule 5—	The Agency	
Paragraph 7B	Power to make regulations providing for the transfer of officers and servants(34)	
Paragraph 7C	Power to make directions as to placing of staff with other bodies(35)	

PART 2

Acts other than the Act

Commencement Information

I2 Sch. 1 Pt. 2 in force at 7.12.2019, see [art. 1\(2\)](#)

- (31) Paragraph 11 was amended by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(4) and schedule 7, the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 7 and the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(7).
- (32) Paragraph 11A was inserted by the Health Services Act 1980 (c.53), schedule 6, paragraph 7(5).
- (33) Paragraph 12 was amended by the Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), section 1(8).
- (34) Paragraph 7B was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 11.
- (35) Paragraph 7C was inserted by the National Health Service and Community Care Act 1990 (c.19), section 27(3) and schedule 5, paragraph 11.

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
The Public Bodies (Admission to Meetings) Act 1960(36)	Admission of the public to meetings	
Requirements of Writing (Scotland) Act 1995(37) Schedule 2, paragraph 6	Where they have delegated any function relating to the acquisition, management or disposal of land, power of the Scottish Ministers to authorise any officer of a Health Board to sign a document on their behalf	

PART 3

Enactments other than Acts of Parliament

Commencement Information

I3 Sch. 1 Pt. 3 in force at 7.12.2019, see [art. 1\(2\)](#)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974(38)	Prohibits employment for provision of services under the National Health Service of certain health professionals unless they are registered under the Health and Social Work Professions Order 2001	
The National Health Service (Financial Provisions) (Scotland) Regulations 1974(39)	Preparation of estimates of income and expenditure and accounts of Health Boards and related matters of a financial nature	Limited to exclude the application of any provisions which relate to Local Health Councils or the Common Services Agency.
The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991(40)	The determination of remuneration and conditions of service of officers of Health Boards	

(36) 1960 c.67.

(37) 1995 c.7. Relevantly amended by the Land Registration etc. (Scotland) Act 2012 ([asp 5](#)), schedule 3, paragraph 25(g).

(38) S.I. 1974/549, amended by S.S.I. 2000/202, S.I. 2003/1590, S.I. 2004/2033 and S.I. 2012/1479.

(39) S.I. 1974/468.

(40) S.I. 1991/537.

Changes to legislation: There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 1. (See end of Document for details)

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
The Health Boards (Membership and Procedure) (Scotland) Regulations 2001(41)	Provision as to the membership of, and procedure to be applied by, Health Boards	
The Electronic Documents (Scotland) Regulations 2014(42) Regulation 5	Where they have delegated any function relating to the acquisition, management or disposal of land, power of the Scottish Ministers to authorise any officer of a Health Board to authenticate an electronic document on their behalf	

(41) S.S.I. 2001/302, amended by S.S.I. 2005/108 and S.S.I. 2016/3.

(42) S.S.I. 2014/83. Relevantly amended by S.S.I. 2014/347.

Changes to legislation:

There are currently no known outstanding effects for the The Public Health Scotland Order 2019, SCHEDULE 1.