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SCHEDULES

SCHEDULE 1

Section 2.

HEALTH BOARDS

PART I

Constitution

1 A Health Board shall be a body corporate and shall have a common seal.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C2** Sch. 1 para. 1 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 1 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 1 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 1 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 1 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
 Sch. 1 para. 1 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
 Sch. 1 para. 1 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C3** Sch. 1 paras. 1 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C4** Sch. 1 para. 1 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- [^{F1}2 (1) A Health Board is to consist of the following types of members—
- (a) a chairman, and other members, appointed by the Scottish Ministers (“appointed members”), [^{F2}and]
 - (b) councillors appointed by the Scottish Ministers following nomination by local authorities in the area of the Health Board (“councillor members”), [^{F3}and
 - (c) individuals elected as members of the Health Board at an election held under Schedule 1A (“elected members”).]
- (2) Regulations must, in relation to each Health Board, specify—
- (a) the total number of members of the Board, and
 - (b) the number of each type of member.
- [^{F4}(3) At least one councillor member must be appointed for each local authority whose area is wholly or partly within the area of the Board.]]

Textual Amendments

- F1** Sch. 1 para. 2 substituted (24.6.2009 for specified purposes) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), **ss. 1(2), 4, 7, 11(1)**; S.S.I. 2009/242, **art. 2**

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- F2** Words in Sch. 1 para. 2(1) inserted (cond.) (31.12.2013 with effect only in respect of the specified areas, that being the date the pilot order is revoked) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. [6\(2\)\(4\)\(a\)\(i\)](#), [11\(1\)](#) (as amended (31.12.2013) by [The Health Boards \(Membership and Elections\) \(Scotland\) Order 2013 \(S.S.I. 2013/364\)](#), art. [3\(2\)](#)); S.S.I. 2013/364, arts [2](#) (with art. [3\(1\)](#))
- F3** Sch. 1 para. 2(1)(c) repealed (31.12.2013 with effect only in respect of the specified areas, that being the date the pilot order is revoked) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), s. [6\(2\)\(4\)\(a\)\(ii\)](#)[11\(1\)\(1\)](#); S.S.I. 2013/364, art. [2](#) (with art. [3\(1\)](#))
- F4** Sch. 1 para. 2(3) substituted for Sch. 1 para. 2(3)(4) (31.12.2013 with effect only in respect of the specified areas, that being the date the pilot order is revoked) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. [6\(2\)\(4\)\(b\)](#), [11\(1\)\(1\)](#) (as amended (31.12.2013) by [The Health Boards \(Membership and Elections\) \(Scotland\) Order 2013 \(S.S.I. 2013/364\)](#), art. [3\(2\)](#)); S.S.I. 2013/364, art. [2](#) (with art. [3\(1\)](#))

Modifications etc. (not altering text)

- C5** Sch. 1 para. 2(1) applied (with modifications) (7.12.2019) by [The Public Health Scotland Order 2019 \(S.S.I. 2019/336\)](#), art. [1\(2\)](#), [sch. 1 Pt. 1](#) (with art. [4\(4\)\(5\)](#))

[^{F5}2A In the case of a prescribed Health Board at least one of the [^{F6}appointed members] must hold a post in a university with a medical or dental school.]

Subordinate Legislation Made

- P1** Sch. 1 para. 2A: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/571.
Sch. 1 para. 2A: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I.1991/809.
Sch 1 para 2A: for previous exercises of this power see Index to Government Orders

Textual Amendments

- F5** Sch. 1 para. 2A inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. [27\(3\)](#), [Sch. 5 para. 2](#)
- F6** Words in Sch. 1 para. 2A substituted (24.6.2009 for certain purposes and otherwise prosp.) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. [1\(3\)](#), [4](#), [7](#), [11\(1\)](#); S.S.I. 2009/242, art. [2](#)

- 3 [^{F7}An appointed member may be appointed only] after consultation with the following bodies—
- (a) ^{F8}
 - (b) any university appearing to the Secretary of State to have an interest in the provision of health services in that area;
 - (c) such organisations as the Secretary of State may recognise as representative in that area of the medical, dental, nursing, pharmaceutical and ophthalmic professions and such other professions as the Secretary of State considers appropriate, or of those professions generally; and
 - (d) such other organisations as appear to the Secretary of State to be concerned.

Textual Amendments

- F7** Words in Sch. 1 para. 3 substituted (24.6.2009 for certain purposes and otherwise prosp.) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), ss. [1\(4\)\(a\)](#), [4](#), [7](#), [11\(1\)](#); S.S.I. 2009/242, art. [2](#)

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F8 Sch. 1 para. 3(a) omitted (24.6.2009 for certain purposes and otherwise prosp.) by virtue of Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 1(4)(b), 4, 7, 11(1); S.S.I. 2009/242, art. 2

[^{F9}3A A person appointed as chairman of a Health Board may not be an employee of that Health Board.]

Textual Amendments

F9 Sch. 1 para. 3A inserted (24.6.2009 for certain purposes and otherwise prosp.) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 1(5), 4, 7, 11(1); S.S.I. 2009/242, art. 2

Modifications etc. (not altering text)

C6 Sch. 1 para. 3A applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), sch. 1 Pt. 1 (with art. 4(4)(5))

4 The Secretary of State may pay to
[^{F10}(a) the chairman of a Health Board,
(b) such other members of a Health Board as may be prescribed, and
(c) such members of committees and sub-committees of a Health Board as may be prescribed,]
such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine.

Subordinate Legislation Made

P2 Sch. 1 para. 4: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/571.
Sch. 1 para. 4: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/809.
Sch. 1 para. 4: for previous exercises of this power see Index to Government Orders

Textual Amendments

F10 Words in Sch. 1 para. 4 substituted (8.1.2010) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 8, 11(4), Sch. para. 1; S.S.I. 2009/433, art. 2

Modifications etc. (not altering text)

C7 By S.I. 1990/2639, art. 4(2)(e) certain functions of the Secretary of State under para. 4 are made exercisable (1.4.1991) by the Health Education Board for Scotland
C8 Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), Sch. Pt. I
C9 Sch. 1 para. 4 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), Sch. Pt. I (with art. 6)
Sch. 1 para. 4 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), Sch. Pt. I (with art. 6)
Sch. 1 para. 4 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), Sch. Pt. I
Sch. 1 para. 4 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), Sch. Pt. I
Sch. 1 para. 4 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), Sch. Pt. I
Sch. 1 para. 4 applied (31.3.2002) by S.S.I. 2002/103, art. 6, Sch. Pt. I (with art. 4(4))
Sch. 1 para. 4 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), Sch. Pt. I (with art. 4(4))
C10 Sch. 1 para. 4, applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), Sch. Pt. I
C11 Sch. 1 para. 4: functions transferred (31.3.2002) by S.S.I. 2002/103, art. 4(2)(d) (with art. 4(4))
Sch. 1 para. 4: functions transferred (27.6.2002) by S.S.I. 2002/305, art. 4(2)(j) (with art. 4(4))

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C12 Sch. 1 para. 4 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

5 A Health Board may employ such officers and servants on such terms as to remuneration and conditions of service as the Board may, ^{F11} determine [^{F12}in accordance with regulations and any directions given under this paragraph by the Secretary of State].

Textual Amendments

F11 Words repealed by Health Services Act 1980 (c. 53), **Sch. 7**

F12 Words inserted by Health Services Act 1980 (c. 53), **Sch. 6 para. 7(2)(b)**

Modifications etc. (not altering text)

C13 Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**

C14 Sch. 1 para. 5 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)

Sch. 1 para. 5 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)

Sch. 1 para. 5 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**

Sch. 1 para. 5 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**

Sch. 1 para. 5 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**

Sch. 1 para. 5 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))

Sch. 1 para. 5 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))

C15 Sch. 1 para. 5 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

C16 Sch. 1 para. 5 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

[^{F13}5A Regulations or directions under paragraph 5 may provide for approvals, authorisations or determinations to have effect from a date (which may be before or after the date of giving or making them but may not be before if to the detriment of such officers and servants) specified in them [^{F14}and a direction under that paragraph may relate to a particular officer or servant or class of officer or servant specified in the direction].]

Textual Amendments

F13 Sch. 1 para. 5A added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14(2), **Sch. 7 para. 4**

F14 Words added by National Health Service and Community Care Act 1990 (c.19, SIF 113:2), s. 27(3), **Sch. 5 para. 4**

Modifications etc. (not altering text)

C17 Sch. 1 para. 5A applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**

Sch. 1 para. 5A applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**

Sch. 1 para. 5A applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))

Sch. 1 para. 5A applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))

C18 Sch. 1 para. 5A applied (1.4.2003) by S.I. 1990/2639, art. 5(1), Sch. Pt. 1 (as amended by The Health Education Board for Scotland Amendment Order 2003 (S.S.I. 2003/154), **art. 6(d)**)

C19 Sch. 1 para. 5A applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

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- 6 Regulations may make provision with respect to the method of appointment of officers or servants of a Health Board and as to the qualifications, remuneration and conditions of service of those persons.

Modifications etc. (not altering text)

- C20** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C21** Sch. 1 para. 6 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 6 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with
Sch. 1 para. 6 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 6 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 6 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 6 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 6 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C22** Sch. 1 para. 6 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C23** Sch. 1 para. 6 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

[^{F15}6A(1) Sub-paragraph (3) applies where the registration of a dental practitioner in the dentists register is suspended—

- (a) by an interim suspension order under section 32 of the Dentists Act 1984 (interim orders); or
- (b) by a direction or order of the Health Committee, the Professional Performance Committee or the Professional Conduct Committee of the General Dental Council under any of sections 27B, 27C or 30 of that Act following a relevant determination that that practitioner's fitness to practise is impaired.

(2) For the purposes of sub-paragraph (1), a “relevant determination” that a practitioner's fitness to practise is impaired is a determination which is based solely on—

- (a) the ground mentioned in paragraph (b) of subsection (2) of section 27 of the Dentists Act 1984 (deficient professional performance);
- (b) the ground mentioned in paragraph (c) of that subsection (adverse physical or mental health); or
- (c) both those grounds.

(3) Where this sub-paragraph applies, notwithstanding paragraph 7 of this Schedule, the suspension shall not terminate any contract of employment made between the dental practitioner and a Health Board, but a person whose registration is so suspended shall not perform any duties under a contract made between him and a Health Board which involves the practice of dentistry within the meaning of the Dentists Act 1984.]

Textual Amendments

- F15** Sch. 1 para. 6A substituted (coming into force in accordance with art. 1 of the amending S.I.) by **The Dentists Act 1984 (Amendment) Order 2005** (S.I. 2005/2011), art. 49, **Sch. 6 para. 2(4)** (with transitional provisions in Sch. 7 and S.I. 2006/1671)

- 7 No officer or servant of a Health Board to whom regulations [^{F16}or any directions given under paragraph 5] apply shall be employed otherwise than in accordance with the regulations [^{F17}or, as the case may be, the directions].

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Textual Amendments

- F16** Words inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(3)(a)**
F17 Words inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(3)(b)**

Modifications etc. (not altering text)

- C24** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C25 Sch. 1 para. 7 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 7 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 7 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 7 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 7 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
 Sch. 1 para. 7 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
 Sch. 1 para. 7 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C26 Sch. 1 para. 7 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C27 Sch. 1 para. 7 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- [^{F18}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).]

Textual Amendments

- F18** Sch. 1 paras. 7A–7C inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 27(3), **Sch. 5 para. 5**

Modifications etc. (not altering text)

- C28** Sch. 1 paras. 7A, 7B, 11A applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C29 Sch. 1 para. 7A applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 7A applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
 Sch. 1 para. 7A applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 7A applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
 Sch. 1 para. 7A applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
 Sch. 1 para. 7A applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
 Sch. 1 para. 7A applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C30 Sch. 1 para. 7A applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C31 Sch. 1 para. 7A applied (with modifications) (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- 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,

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and a Board or body to which such directions are given shall comply with the directions.

Modifications etc. (not altering text)

- C32** Sch. 1 paras. 7A, 7B, 11A applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C33** Sch. 1 para. 7B applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 7B applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt.I** (with art. 6)
Sch. 1 para. 7B applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch Pt.I**
Sch. 1 para. 7B applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 7B applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 7B applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 7B applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C34** Sch. 1 para. 7B applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C35** Sch. 1 para. 7B applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

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.

8 Regulations under paragraph 6 shall not contain a requirement that all consultants employed for the purpose of hospitals shall be employed whole-time.

[^{F19}8A In connection with arrangements relating to community care services ^{F20}..., 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.]

Textual Amendments

- F19** Sch. 1 para. 8A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 27(3), **Sch. 5 para. 6**
- F20** Words in Sch. 1 para. 8A repealed (1.4.2015) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), **Sch. para. 2(5)**

^{F21}9

Textual Amendments

- F21** Sch. 1 para. 9 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3), Sch. 2 para 3(2))

^{F22}10

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Textual Amendments

- F22** Sch. 1 para. 10 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), **Sch. 5** (with ss. 9(3)(5)(7), 13, 14(3), Sch. 2 para. 3(2) and subject to an amendment (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt.I**)

PART II

Supplementary provisions

- [^{F23}10A(1) An elected member holds office for a period beginning with the day after the day of the Health Board election at which the member was elected and ending on the day of the next following Health Board election in the Health Board area.
- (2) An elected member vacates office on becoming—
- (a) a member of the European Parliament,
 - (b) a member of the House of Commons,
 - (c) a member of the House of Lords,
 - (d) a member of the Scottish Parliament, or
 - (e) a local authority councillor.
- (3) Regulations may specify further circumstances in which an elected member must vacate office before the end of that period and, in particular, may specify that an elected member is to vacate office on becoming the holder of a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.]

Textual Amendments

- F23** Sch. 1 para. 10A inserted (temp. from 24.6.2009 for certain purposes and prosp. otherwise) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), **ss. 1(6)**, 4, 6(2)(3), 7, 11(1); S.S.I. 2009/242, **art. 2**

- 11 Regulations may make provision—
- (a) as to the appointment, tenure and vacation of office of [^{F24}appointed members and councillor members (including provision specifying circumstances in which the Scottish Ministers may determine that such a member is to vacate office)];
 - (b) as to the delegation of functions to committees or sub-committees [^{F25}constituted in accordance with the regulations]; [^{F26}and]
 - (c) as to the procedure of Health Boards, their committees and sub-committees;
^{F27}
 - (d^{F27}

Textual Amendments

- F24** Words in Sch. 1 para. 11(a) substituted (24.6.2009 for certain purposes and otherwise prosp.) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), **ss. 1(7)**, 4, 7, 11(1); S.S.I. 2009/242, **art. 2**
- F25** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 27(3), **Sch. 5 para. 7**

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- F26** Word inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(4)(a)**
F27 Word and para. 11(d) repealed by [Health Services Act 1980 \(c. 53\)](#), **Sch. 7**

Modifications etc. (not altering text)

- C36** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C37 Sch. 1 para. 11 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 11 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 11 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 11 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 11 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 11 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 11 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C38 Sch. 1 para. 11 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C39 Sch. 1 para. 11 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- [^{F28}11A A Health Board may subscribe to the funds of any associations or other bodies having objects of which the Board approves.]

Textual Amendments

- F28** Para. 11A inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(5)**

Modifications etc. (not altering text)

- C40** Sch. 1 paras. 7A, 7B, 11A applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C41 Sch. 1 para. 11A applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 11A applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 11A applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 11A applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 11A applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 11A applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 11A applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C42 Sch. 1 para. 11A applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C43 Sch. 1 para. 11A applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- 12 The proceedings of a Health Board shall not be invalidated by any vacancy in membership or by any defect in the appointment [^{F29}or, as the case may be, election] of any member thereof.

Textual Amendments

- F29** Words in Sch. 1 para. 12 inserted (temp. from 24.6.2009 for certain purposes and otherwise prosp.) by [Health Boards \(Membership and Elections\) \(Scotland\) Act 2009 \(asp 5\)](#), **ss. 1(8)**, 4, 6(2)(3), 7, 11(1); S.S.I. 2009/242, **art. 2**

Modifications etc. (not altering text)

- C44** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C45 Sch. 1 para. 12 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
C46 Sch. 1 para. 12 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 12 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 12 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**

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- Sch. 1 para. 12 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 12 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C47 Sch. 1 para. 12 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- 13 The Secretary of State shall pay to members of a Health Board, the committees and sub-committees thereof, such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Minister for the Civil Service, from time to time determine.

Modifications etc. (not altering text)

- C48** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C49 By S.I. 1990/2639, **art. 4(2)(f)** certain functions of the Secretary of State under para. 13 are made exercisable (1.4.1991) by Health Education Board for Scotland
C50 Sch. 1 para. 13 applied (with modifications) (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 13 applied (with modifications) (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 13 applied (with modifications) (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. 1 Pt. I**
Sch. 1 para. 13 applied (with modifications) (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 13 applied (with modifications) (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 13 applied (with modifications) (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 13 applied (with modifications) (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C51 Sch. 1 para. 13 applied (with modifications) (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C52 Sch. 1 para. 13: functions transferred (31.3.2002) by S.S.I. 2002/103, **art. 4(2)(e)** (with art. 4(4))
Sch. 1 para. 13: functions transferred (27.6.2002) by S.S.I. 2002/305, **art. 4(2)(k)** (with art. 4(4))
C53 Sch. 1 para. 13 applied (with modifications) (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- 14 Allowances shall not be paid under paragraph 13 except in connection with the performance of such powers or duties, in such circumstances, as the Secretary of State may determine.

Modifications etc. (not altering text)

- C54** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C55 Sch. 1 para. 14 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 14 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 14 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 14 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 14 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 14 applied (with modifications) (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 14 applied (with modifications) (27.6.2002) by S.S.I. 2002/305, art. 6, **Sch. Pt. I** (with art. 4(4))
C56 Sch. 1 para. 14 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C57 Sch. 1 para. 14 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

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- 15 Payment under paragraph 13 shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Secretary of State may determine.

Modifications etc. (not altering text)

- C58** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C59 Sch. 1 para. 15 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 15 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 15 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. 1 Pt. I**
Sch. 1 para. 15 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 15 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 15 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 15 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C60 Sch. 1 para. 15 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C61 Sch. 1 para. 15 applied (7.12.2019) by The Public Health Scotland Order 2019 (S.S.I. 2019/336), art. 1(2), **sch. 1 Pt. 1** (with art. 4(4)(5))

- 16 **F30**

Textual Amendments

- F30** Sch. 1 para. 16 repealed (6.2.2004) by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2), **Sch. 4 para. 5(15)**; S.S.I. 2003/602, **art. 2(2)**

- 17 **F31**

Textual Amendments

- F31** Sch. 1 para. 17 repealed (6.2.2004) by Public Appointments and Public Bodies etc. (Scotland) Act 2003 (asp 4), ss. 17, 21(2), **Sch. 4 para. 5(15)**; S.S.I. 2003/602, **art. 2(2)**

- 18 The functions transferred to and exercisable by Health Boards under section 56 of the ^{M1}National Health (Scotland) Act 1972 (functions under the ^{M2}Nursing Homes Registration (Scotland) Act 1938) shall continue to be exercisable by them under this paragraph.

Marginal Citations

- M1** 1972 c. 58.
M2 1938 c. 73.

- 19 The Secretary of State may, with any necessary modifications, by order apply any of the provisions of [^{F32}paragraph 6 of Schedule 3 to the Civil Aviation Act 1982] to the case of a person who enters the employment of a Health Board after having been employed in employment to which [^{F33}the said paragraph 6] applies, and any such order may provide that for the purposes of any enactment specified in the order, or for any other purposes so specified, there shall be deemed to have been no break in the employment of any such person.

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Textual Amendments

F32 Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), [Sch. 15 para. 22\(a\)](#)

F33 Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), [Sch. 15 para. 22\(b\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 1 para. 8A words substituted by [2004 asp 7 sch. 1 para. 1\(10\)](#)

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. 10C(3A) inserted by [2019 asp 6 s. 6\(3\)\(a\)](#)
- s. 10I(1)(b)(c) and word inserted by [2019 asp 6 s. 6\(4\)\(b\)](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)