

Changes to legislation: National Health Service (Scotland) Act 1978, Part II is up to date with all changes known to be in force on or before 28 April 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

SCHEDULES

SCHEDULE 1

HEALTH BOARDS

PART II

Supplementary provisions

- [^{F1}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

- F1** 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 [^{F2}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 [^{F3}constituted in accordance with the regulations]; [^{F4}and]
 - (c) as to the procedure of Health Boards, their committees and sub-committees;
^{F5}
 - (d^{F5}

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Textual Amendments

- F2** 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**
- F3** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 27(3), **Sch. 5 para. 7**
- F4** Word inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(4)(a)**
- F5** Word and para. 11(d) repealed by [Health Services Act 1980 \(c. 53\)](#), **Sch. 7**

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. 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))
- C3** [Sch. 1 para. 11](#) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C4** [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))

[^{F6}11A A Health Board may subscribe to the funds of any associations or other bodies having objects of which the Board approves.]

Textual Amendments

- F6** Para. 11A inserted by [Health Services Act 1980 \(c. 53\)](#), **Sch. 6 para. 7(5)**

Modifications etc. (not altering text)

- C5** [Sch. 1 paras. 7A, 7B, 11A](#) applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C6** [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))
- C7** [Sch. 1 para. 11A](#) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C8** [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 [^{F7}or, as the case may be, election] of any member thereof.

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Textual Amendments

- F7** 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)

- C9** [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](#)
- C10** [Sch. 1 para. 12](#) applied (1.4.1993) by [S.I. 1993/577](#), [art. 5\(1\)\(2\)](#), [Sch. Pt. I](#) (with [art. 6](#))
- C11** [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](#)
[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\(4\)](#))
- C12** [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)

- 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** 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](#)
- C15** [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\(4\)](#))
- C16** [Sch. 1 para. 13](#) applied (with modifications) (1.4.1999) by [S.I. 1999/726](#), [art. 5\(1\)\(2\)](#), [Sch. Pt. I](#)
- C17** [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\(4\)](#))
- C18** [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)

- C19** [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](#)

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- C20** 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))
- C21** Sch. 1 para. 14 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C22** 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))

- 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)

- C23** 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**
- C24** 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**
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Sch. 1 para. 15 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C25** Sch. 1 para. 15 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
- C26** 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 ^{F8}

Textual Amendments

- F8** 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 ^{F9}

Textual Amendments

- F9** 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.

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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 [^{F10}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 [^{F11}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.

Textual Amendments

F10 Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), [Sch. 15 para. 22\(a\)](#)

F11 Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), [Sch. 15 para. 22\(b\)](#)

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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. 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\(6\)\(a\)](#)