



National Health Service and Community Care Act 1990

1990 CHAPTER 19

PART II

THE NATIONAL HEALTH SERVICE: SCOTLAND

Health Boards and other bodies

28 Special Health Boards.

In section 2 (Health Boards) of the 1978 Act—

(a) in subsection (1)—

(i) after the words “Secretary of State” there shall be inserted the word “(a)”; and

(ii) after the words “Health Boards” there shall be inserted—

“and

(b) subject to subsections (1A) and (1C), may by order constitute boards, either for the whole of Scotland or for such parts of Scotland as he may so determine, for the purpose of exercising such of his functions under this Act as he may so determine; and those boards shall, without prejudice to subsection (1B), be called Special Health Boards.”;

(b) after subsection (1) there shall be inserted the following subsections—

“(1A) An order made under subsection (1)(b) may determine an area for a Special Health Board constituted under that subsection which is the same as the areas determined—

(a) for any other Special Health Board; or

(b) for any Health Board or Health Boards constituted by an order or orders made under subsection (1)(a).

Changes to legislation: National Health Service and Community Care Act 1990, Section 28 is up to date with all changes known to be in force on or before 04 October 2023. 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](#)

- (1B) An order under subsection (1)(b) may specify the name by which a board constituted by the order shall be known.
- (1C) The Secretary of State may by order provide that such of the provisions of this Act or of any other enactment, or of any orders, regulations, schemes or directions made under or by virtue of this Act or of any other enactment, as apply in relation to Health Boards shall, subject to such modifications and limitations as may be specified in the order, so apply in relation to any Special Health Board so specified.”; and
- (c) in subsection (2), for the word “(1)” there shall be substituted the word “(1(a))”.

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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))