

HEALTH ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part II - the National Health Service: Scotland

Section 50: Transfer of staff among health service bodies

301. This section makes provision for the transfer of staff among health service bodies. Section 12B of the 1978 Act ensured that when facilities transferred from Health Board to NHS trusts on the original establishment of NHS trusts, the rights and terms of employment of staff who worked in those facilities transferred with them. Under section 47 of this Act, provision is made for the Secretary of State for Scotland to direct Health Boards to delegate some of their functions to NHS trusts. In most cases no transfer of facilities will be involved. However, there are likely to be other changes in future (for example, some functions in relation to services may move from one NHS trust to another). This section extends to all transfers of functions between health service bodies, the protection for staff that section 12B conferred upon staff transferring from Health Boards to NHS trusts.