



# Scottish Board of Health Act 1919

## 1919 CHAPTER 20 9 and 10 Geo 5

An Act to establish a Scottish Board of Health to exercise powers with respect to Health and Local Government in Scotland, and for purposes connected therewith. [3rd June 1919]

### Modifications etc. (not altering text)

C1 Functions of Scottish Board of Health now exercisable by Secretary of State: [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), s. 1\(1\)](#) and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\), s. 1\(1\)](#)

1 ..... F1

### Textual Amendments

F1 Ss. 1, 3 repealed by [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\), Sch.](#)

## 2 **General powers and duties of Board in relation to health.**

It shall be the duty of the Board in the exercise and performance of any powers and duties transferred to or conferred on them by or in pursuance of this Act to take all such steps as may be desirable to secure the effective carrying out and co-ordination of measures conducive to the health of the people, including measures for the prevention and cure of diseases, the initiation and direction of research, the treatment of physical and mental defects, the collection, preparation and publication of information and statistics, and the training of persons for health services.

3 ..... F2

*Changes to legislation: There are currently no known outstanding effects for the Scottish Board of Health Act 1919. (See end of Document for details)*

**Textual Amendments**

**F2** Ss. 1, 3 repealed by [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\)](#), [Sch.](#)

**4 Transfer of powers and duties to and from Board.**

- (1) There shall be transferred to the Board—
  - (a) all the powers and duties of the Local Government Board for Scotland;
  - (b) all the powers and duties of the Scottish Insurance Commissioners;
  - <sup>F3</sup>(c) .....
  - <sup>F4</sup>(d) .....
  - <sup>F5</sup>(e) .....
  - <sup>F6</sup>(f) .....
  - <sup>F7</sup>(g) .....
  - <sup>F8</sup>(h) .....
  - (i) all the powers and duties of the Scottish Education Department with respect to the medical inspection and treatment of children and young persons:
  - <sup>F9</sup> .....
- (2) It shall be lawful for His Majesty from time to time by Order in Council to transfer to the Board—
  - <sup>F10</sup>(a) .....
  - (b) all or any of the powers and duties of the [<sup>F11</sup>Secretary of State] with respect to the health of disabled officers and men after they have left the service, so far as those powers and duties relate to Scotland;
  - (c) any other powers and duties in Scotland of any Government department which appear to His Majesty to relate to matters affecting or incidental to the health of the people.
- (3) It shall be lawful for His Majesty from time to time by Order in Council to transfer from the Board to any other Government department any of the powers and duties of the Board which appear to His Majesty not to relate to matters affecting or incidental to the health of the people.
 

... <sup>F12</sup>
- (4) His Majesty may by Order in Council make such incidental, consequential and supplemental provisions as may be necessary or expedient for the purpose of giving full effect to any transfer of powers or duties by or under this section, including provision for the transfer of any property, rights, and liabilities held, enjoyed, or incurred by any Government department in connection with any powers or duties transferred, and may make such adaptations in the enactments relating to such powers or duties as may be necessary to make exercisable by the Board and the officers thereof, or by such other Government department and their officers, as the case may be, the powers and duties so transferred.
- (5) In connection with the transfer of powers and duties to or from the Board, by or under this Act, the provisions set out in the First Schedule to this Act shall have effect.

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### Textual Amendments

- F3** S. 4(1)(c) repealed by [Midwives \(Scotland\) Act 1951 \(c. 54\)](#), **Sch. 2**
- F4** S. 4(1)(d) repealed (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), s. 61(2), **Sch. 3 para. 17**; S.S.I. 2014/160, art. 2(1)(2), Sch.
- F5** S. 4(1)(e) repealed (28.12.2016) by [Burial and Cremation \(Scotland\) Act 2016 \(asp 20\)](#), s. 112(2), **sch. 2** (with s. 111); S.S.I. 2016/417, reg. 2, sch.
- F6** S. 4(1)(f) repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)
- F7** S. 4(1)(g) repealed by [Marriage \(Scotland\) Act 1977 \(c. 15\)](#), **Sch. 3**
- F8** S. 4(1)(h) repealed by [Statute Law Revision Act 1964 \(c. 79\)](#)
- F9** S. 4(1) provisos repealed by [National Health Insurance Act 1924 \(c. 38\)](#), **Sch. 7** and [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**
- F10** S. 4(2)(a) repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), **Sch.**
- F11** Words substituted by virtue of [Ministry of Social Security Act 1966 \(c. 20\)](#), s. 2(3) and S.I. 1968/1699, **arts. 2, 5(4)**
- F12** Words repealed by [National Assistance Act 1948 \(c. 29\)](#), **Sch. 7 Pt. III**

## 5 Consultative Councils.

- (1) It shall be lawful for His Majesty by Order in Council to establish consultative councils for giving, in accordance with the provisions of the Order, advice and assistance to the Board in connection with such matters affecting or incidental to the health of the people in Scotland as may be referred to in such Order.
- (2) Every such council shall include persons of both sexes, and shall consist of persons having practical experience of the matters referred to the council, and due regard shall be had in constituting them to any special interests (including those of local authorities and of labour) which may be involved.

## 6 Staff and remuneration.

- (1) ..... **F13**
- (3) The expenses of the Board, including payments to members of consultative councils and committees thereof, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament; but no such payment shall be made to members of consultative councils and committees thereof other than the repayment of travelling expenses and payment of subsistence allowance, and reasonable compensation for loss of remunerative time.
- (4) There shall be transferred and attached to the Board the persons employed under the Local Government Board for Scotland, the Scottish Insurance Commissioners, and the Highlands and Islands (Medical Service) Board, and such of the persons employed under any other Government department in or about the execution of the powers and duties transferred by or under this Act to the Board, as the Board and Government department, with the sanction of the Treasury, may determine.
- (5) The Board may from time to time distribute the business of the Board amongst the several persons transferred or attached thereto in pursuance of this Act, in such manner as the Board think right, and those persons shall perform such duties in relation to that business as may be directed by the Board:

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Provided that such persons shall be in no worse position as respects the tenure of office, salary, or superannuation allowance, than they would have been if this Act had not been passed.

- (6) For the purposes of this section, a person attached to a Government department, whether as a Commissioner, member of a Board, or otherwise, shall be deemed to be employed under the department.

**Textual Amendments**  
**F13** S. 6(1)(2) repealed by [Reorganisation of Offices \(Scotland\) Act 1939 \(c. 20\)](#), [Sch.](#)

7 ..... F14

**Textual Amendments**  
**F14** S. 7 repealed by [Reorganisation of Offices \(Scotland\) Act 1928 \(c. 34\)](#), [Sch.](#)

**8 Provisions as to Orders in Council.**

- (1) Any Order in Council made under this Act may be revoked or varied by a subsequent Order.
- (2) Before any Order in Council under this Act . . . <sup>F15</sup> is made, notice of the proposal to make the Order and of the place where copies of a draft of the Order can be obtained shall be published in the Edinburgh Gazette, and in such other manner as the Board think best adapted for insuring publicity, and a draft of the Order shall be laid before each House of Parliament for not less than thirty days on which such House is sitting.
- (3) In the case of an Order providing for any transfer of powers and duties to or from the Board under subsection (2), or under subsection (3), of section four of this Act, the Order shall not take effect until both Houses of Parliament have by resolution approved the same and shall take effect subject to any modifications and adaptations which may be agreed to by both Houses of Parliament; and in the case of any other Order if either House before the expiration of such thirty days presents an address to His Majesty against the draft, or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new draft Order.

**Textual Amendments**  
**F15** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

**9 †Short title, commencement extent, repeal, interpretation.**

- (1) This Act may be cited as the Scottish Board of Health Act 1919 . . . <sup>F16</sup>
- (2) This Act shall extend to Scotland only.
- (3) ..... <sup>F17</sup>

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- (4) In this Act the expression “Government department” includes the Scottish Insurance Commissioners, the Highlands and Islands (Medical Service) Board, and any other public department, and any Minister of the Crown acting as the head of a Government department. [The expression “law agent” has the same meaning as in the Law Agents (Scotland) Act, 1873.]

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**Textual Amendments**

**F16** Words repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

**F17** [S. 9\(3\)](#) repealed by [Statute Law Revision Act 1927 \(c. 42\)](#)

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**Modifications etc. (not altering text)**

**C2** Unreliable marginal note

**C3** Words beginning "The expression", which are now spent, are not in the form in which they were originally enacted: they were not reproduced in Statutes in Force and do not reflect any amendments or repeals which may have been made prior to 1.2.1991

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## SCHEDULES

### FIRST SCHEDULE

Section 4.

#### TRANSITORY PROVISIONS

- 1 In the construction and for the purposes of any Act of Parliament, judgment, decree, order, award, deed, contract, regulation, bye-law, or other document passed or made before the transfer to or from the Board from or to any other Government department of any powers or duties by or under this Act, but so far only as may be necessary for the purpose of such transfer, the name of the Board or of the Government department shall be substituted for the name of the other Government department or of the Board, as the case may be.

2, 3. .... **F18**

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**Textual Amendments**  
**F18** Sch. 1 paras. 2, 3 repealed by Statute Law (Repeals) Act 1978 (c. 45), **Sch. 1 Pt. XVII**

### **F19**SECOND SCHEDULE

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**Textual Amendments**  
**F19** Sch. 2 repealed by Statute Law Revision Act 1927 (c. 42)

..... **F19**

**Changes to legislation:**

There are currently no known outstanding effects for the Scottish Board of Health Act 1919.