

SCHEDULE

Article 5(1)

ENACTMENTS APPLIED TO THE BOARD

PART I

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
In Part I		
In section 2—	Health Boards	
Subsection (3)	Variation of area and functions of Health Boards	
Subsection (4)	Provisions incidental to variation of area or functions of Health Boards	
Subsection (5)	Health Boards to act in accordance with regulations or directions <sup>(1)</sup>	
Subsection (8)	Health Board to act as principal	
In section 10—	Common Services Agency	
Subsection (4)	Power to provide that functions of Health Boards may be referred to the Agency	
Section 13	Co-operation between Health Boards and other Authorities	
In section 15—		
Subsection (1)(b)	Supply of goods to local and education authorities and other public bodies	
Subsection (1)(c)	Provision of services to local and education authorities <sup>(2)</sup>	
Subsection (1)(d)	Use of health service premises by local and education authorities	
Subsection (1)(e)	Use of health service vehicles etc by local and education authorities	

(1) Section 2(5) was amended by the 1990 Act, Schedule 9, paragraph 19(1).

(2) Section 15(1)(c) was amended by the 1980 Act, section 3(2).

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Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
Subsection (2)	Arrangements with third parties for the supply of goods and materials	Applied so far as it relates to subsection (1)(b).
Section 17A	Power to enter into arrangements with NHS bodies for the provision of goods and services (“NHS contracts”)(3)	
In Part IV		
Section 77	Default powers	
In Part V		
In Section 79—		
Subsection (1A)	Power of Secretary of State to dispose of land and, where he has delegated any function relating to the acquisition, management or disposal of land, power to authorise any officer of a Health Board to execute any instrument on his behalf	
Subsection (3)	Power to acquire moveable property on behalf of the Secretary of State	
In section 83—		
Subsection (1)	Power to hold property on trust	
Section 84	Power to trustees to make payments to Health Boards	
Section 84A	Power to raise money and property by appeals, collections and other similar activities(4)	
In section 85—		
Subsection (1)	Payment of expenses of certain bodies(5)	
Subsection (2A)	Power to make directions to bodies listed in subsection (1)(6)	

(3) Section 17A was inserted by the 1990 Act, section 30.

(4) Section 84A was inserted by the 1980 Act, section 5(2).

(5) Section 85(1) was substituted by the 1980 Act, section 6(3).

(6) Section 85(2A) was inserted by the 1980 Act, section 6(3).

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
In section 85A—		
Subsection (1)	Duty of bodies referred to in section 85(1) as regards expenditure(7)	
Subsection (3)	Power to make directions in relation to duty under subsection (1)	
Subsection (4)	Disregard for the purposes of the section of certain trust funds	
Section 85B	Power to make provision for meeting losses and liabilities etc. of certain health service bodies(8)	
Section 86	Provisions in relation to the keeping and auditing of accounts, to their submission to the Secretary of State and to their summarisation by the Secretary of State(9)	
Section 87	Power to make regulations as to financial arrangements of health service bodies	
Part VI	Health Service Commissioner for Scotland	
In Part VIII—		
Section 101	Protection of Health Boards	
In Schedule 1—		
Paragraph 1	Health Boards to be bodies corporate and have a common seal	
Paragraph 2	Appointment of Chairman and members	
Paragraph 4	Payment of remuneration to the Chairman and such	

(7) Section 85A was inserted by the 1980 Act, section 6(4) and subsection (1) was amended by the Health and Medicines Act 1988 (c. 49), section 16(4)(a).

(8) Section 85B was inserted by the 1990 Act, section 41.

(9) Section 86(1) was amended by the 1990 Act, section 36(2) and (3) and sub-sections (2) to (4) of section 86 were amended respectively by the 1990 Act, section 36, sub-sections (5) to (7).

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Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
	members of Health Boards as may be prescribed <b>(10)</b>	
Paragraph 5	Employment of officers and servants <b>(11)</b>	
Paragraph 6	Power to make regulations as to method of appointment, qualifications, remuneration and conditions of service of officers and servants	
Paragraph 7	Officers and servants employed in accordance with regulations and directions <b>(12)</b>	
Paragraph 7A	Power to make regulations providing for transfer of officers and servants <b>(13)</b>	
Paragraph 7B	Directions to Health Boards to place officers or servants at disposal of other bodies <b>(14)</b>	
Paragraph 9	Application of the seal of Health Boards	For the words “one member” there shall be substituted the words “two members” and the words after “member of the Board” to the end of the paragraph shall be omitted
Paragraph 10	Proof of instruments	
Paragraph 11	Power to make regulations as to appointments, committees and procedure <b>(15)</b>	
Paragraph 11A	Subscription to funds of other bodies <b>(16)</b>	
Paragraph 12	Proceedings not to be invalidated by vacancies	
Paragraph 13	Payment to members of a Health Board, the Committees and sub-committees thereof of travelling and other	The words “, including compensation for loss of remunerative time,” shall be omitted

**(10)** Paragraph 4 of Schedule 1 was amended by the 1990 Act, Schedule 5, paragraph 3.

**(11)** Paragraph 5 was amended by the 1980 Act, Schedule 6, paragraph 7(2) and Schedule 7.

**(12)** Paragraph 7 was amended by the 1980 Act, Schedule 6, paragraph 7(3).

**(13)** Paragraph 7A was inserted by the 1990 Act, Schedule 5, paragraph 5.

**(14)** Paragraph 7B was inserted by the 1990 Act, Schedule 5, paragraph 5.

**(15)** Paragraph 11 was amended by the 1980 Act, Schedule 6, paragraph 7(4) and Schedule 7 and by the 1990 Act, Schedule 5, paragraph 7.

**(16)** Paragraph 11A was inserted by the 1980 Act, Schedule 6, paragraph 7(5).

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Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
	allowances, including compensation for loss of remunerative time	
Paragraph 14	Allowances not payable except in circumstances determined by the Secretary of State	
Paragraph 15	Time and method of payment of allowances	
In Schedule 5— Paragraph 7B	Common Services Agency Power to make regulations providing for the transfer of officers and servants(17)	
Paragraph 7C	Power to make directions as to placing of staff with other bodies(18)	

## PART II

### Acts other than the Act

Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
The Public Bodies (Admission to Meetings) Act 1960(19)	Admission of the public to meetings	
The House of Commons Disqualification Act 1975(20) —		
In Schedule 1, Part III the entry relating to Chairman or any member, not being also an employee, of a Health Board(21)	Offices disqualifying for membership of the House of Commons	
Overseas Development and Co-operation Act 1980(22) —		

(17) Paragraph 7B was inserted by the 1990 Act, Schedule 5, paragraph 11.

(18) Paragraph 7C was inserted by the 1990 Act, Schedule 5, paragraph 11.

(19) 1960 c. 67; paragraph 2 of the Schedule was amended by the National Health Service (Scotland) Act 1972 (c. 58), Schedule 6, paragraph 118 and by paragraph 14 of Schedule 16 to the Act.

(20) 1975 c. 24.

(21) Schedule 1, Part III was amended by the 1990 Act section 59(3).

(22) 1980 c. 63.

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Column 1 Enactment	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
In Section 2 Subsection (1)(a) and (c)	Powers of National Health Service bodies in Scotland to enter into and carry out agreements to furnish technical assistance outside the UK.	
Schedule 1	Statutory bodies with powers under section 2(1)	limited to the reference in Part IV to “A Health Board”

### PART III

#### Enactments other than Acts of Parliament

Column 1 Enactments and provisions	Column 2 Nature of Provision	Column 3 Modifications and Limitations (where applicable)
The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1974(23)	The determination of remuneration and conditions of service of officers of Health Boards	
The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974(24)	Prohibits employment for provision of services under the National Health Service of certain health professionals unless they are registered under the Professions Supplementary to Medicine Act 1960(25)	
The National Health Service (Financial Provisions) (Scotland) Regulations 1974(26)	Preparation of estimates of income and expenditure and accounts of Health Boards and related matters of a financial nature	Limited so as to exclude the application of any provisions relative to Local Health Councils or the Common Services Agency
The National Health Service (Vehicles) (Scotland) Order 1974(27)	Exemption from statutory requirements for vehicle excise duty and third party insurance of a National Health Service vehicle made available to a local authority, education	

(23) S.I. 1974/276.

(24) S.I. 1974/549.

(25) 1960 c. 66.

(26) S.I. 1974/468.

(27) S.I. 1974/1491.

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	authority or voluntary organisation	
The National Health Service (Appointment of Consultants and Community Medicine Specialists) (Scotland) Regulations 1986 <b>(28)</b>	Appointment as an officer of a Health Board of any registered medical or dental practitioner to the post of consultant or of any registered medical practitioner to the post of community medicine specialist	
The National Health Service (Food Premises) (Scotland) Regulations 1987 <b>(29)</b>	Health authorities (including Health Boards) to be treated for the purposes of food legislation (as defined in the Regulations) as both owners and occupiers of premises used by them	

**(28)** S.I. 1986/944.

**(29)** S.I. 1987/2; amended by S.I. 1990/2625.