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STATUTORY INSTRUMENTS

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**1991 No. 537 (S. 46)**

**NATIONAL HEALTH SERVICE, SCOTLAND**

**The National Health Service (Remuneration and  
Conditions of Service) (Scotland) Regulations 1991**

<i>Made</i>	- - - -	<i>6th March 1991</i>
<i>Laid before Parliament</i>		<i>11th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State, in exercise of powers conferred on him by sections 105(7) and 108(1) of, and paragraphs 5 and 6 of Schedule 1 and paragraphs 7 and 8 of Schedule 5 to, the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 and shall come into force on 1st April 1991.

(2) In these Regulations, unless the context otherwise requires—

“the 1978 Act” means the National Health Service (Scotland) Act 1978;

“authority” means a Health Board or the Common Services Agency for the Scottish Health Service;

“conditions of service” does not include remuneration;

“direction” means a direction given by the Secretary of State in exercise of a power conferred by the 1978 Act;

“negotiations” in relation to a class of officer means negotiations taking place within a body recognised by the Secretary of State as being proper for the purposes of negotiating remuneration and conditions of service for that class of officer;

“officer” means an officer or servant of an authority.

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(1) 1978 c. 29; section 105(7) was amended by the Health Services Act 1980 (c. 53) (“the 1980 Act”), Schedule 6, paragraph 5 and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41), Schedule 9, paragraph 24; section 108(1) contains a definition of “regulations” relevant to the exercise of the statutory powers under which these Regulations are made; paragraph 5 of Schedule 1 was amended by the 1980 Act, Schedule 6, paragraph 7(2); paragraph 7 of Schedule 5 was amended by the 1980 Act, Schedule 6, paragraph 8(3).

(3) Where a minimum or a maximum remuneration is agreed and approved or authorised for a class of officer, or is determined for an officer or a class of officer, references in regulation 2 of these Regulations to an officer's remuneration being that agreed and approved or authorised or that determined are to his remuneration being no less than any minimum remuneration, and no more than any maximum remuneration, applicable to his case.

### **Remuneration of officers**

2. Subject to any directions, remuneration, whether or not paid out of money provided by Parliament—

- (a) of an officer who belongs to a class of officer in respect of which remuneration has been agreed in negotiations and approved or authorised by the Secretary of State, shall be the remuneration so agreed and approved or authorised;
- (b) of an officer for whom, or for whose class, the Secretary of State has determined remuneration not so agreed and approved or authorised, shall be the remuneration so determined.

### **Conditions of service of officers**

3. Subject to any directions, the conditions of service—

- (a) of an officer who belongs to a class of officer in respect of which conditions of service have been agreed in negotiations and approved or authorised by the Secretary of State, shall include the conditions so agreed and approved or authorised;
- (b) of an officer for whom, or for whose class, the Secretary of State has determined any other conditions of service, shall include the conditions of service so determined, whether or not they also include conditions agreed in negotiations and approved or authorised by the Secretary of State.

### **Recognitions, approvals and determinations**

4.—(1) Subject to paragraph 5A of Schedule 1 or paragraph 7A of Schedule 5 to the 1978 Act (which relate respectively to Health Boards and the Common Services Agency for the Scottish Health Service and under which an approval, authorisation or determination may notify a date before that on which it is made if that would be to the detriment of the not officers to which it relates) an approval, authorisation or determination given or made for the purposes of these Regulations shall have effect from the date specified in it.

(2) The Secretary of State may revoke any recognition, approval, authorisation or determination given or made by him for the purposes of these Regulations and accordingly for those purposes a body recognised by, or remuneration or a condition of service approved, authorised or determined by, the Secretary of State ceases to be so recognised, approved, authorised or determined when the revocation of the recognition, approval, authorisation or determination takes effect.

### **Revocation**

5. The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1974(2) are hereby revoked.

St Andrew's House,  
Edinburgh  
6th March 1991

*Michael B. Forsyth*  
Minister of State Scottish Office

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*This note is not part of the Regulations)*

These Regulations re-enact the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1974 with amendments.

The Regulations set out provisions subject to which Health Boards or the Common Services Agency for the Scottish Health Service constituted under the National Health Service (Scotland) Act 1978 (“the 1978 Act”) may employ such officers and servants at such remuneration as they choose. Those provisions relate both to remuneration (regulation 2) and to other conditions of service (regulation 3) and are in each case subject to any directions which may be given by the Secretary of State under the 1978 Act.