

SCHEDULE

Article 5(1)

ENACTMENTS APPLIED TO THE BOARD

PART I

THE ACT

<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
In the Act–		
In Part I		
In Section 2–	Health Boards	
Subsection (3)	Variation of area and functions of Health Board	
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(1)	
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(2)	
Section 13	Co-operation between Health Boards and other Authorities(3)	
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(4)	

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

(2) Section 10(4) was amended by the 1990 Act, Schedule 10.

(3) Section 13 was amended by the 1990 Act, Schedule 9, paragraph 19(4).

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

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<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
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	
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”)(5)	
In Part IV		
Section 77	Default powers(6)	
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(7)	
Section 84A	Power to raise money and property by appeals, collections and other similar activities(8)	

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

(6) Section 77 was amended by the 1990 Act, Schedule 9, paragraph 19(14).

(7) Section 84 was amended by the 1990 Act, Schedule 9, paragraph 19(10).

(8) Section 84A was inserted by the 1980 Act, section 5(2) and amended by the 1990 Act, Schedule 9, paragraph 19(17).

<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
In Section 85–		
Subsection (1)	Payment of expenses of certain bodies (9)	
Subsection (2A)	Power to make directions to bodies listed in subsection (1) (10)	
In Section 85A–		
Subsection (1)	Duty of bodies referred to in section 85(1) as regards expenditure (11)	
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 (12)	
Section 86	Provisions in relation to the keeping and auditing of accounts, to their submission to the Secretary of State (13)	
Section 87	Power to make regulations as to financial arrangements of health service bodies	
In Part VIII–		
Section 101	Protection of Health Boards (14)	
In Schedule 1–		
Paragraph 1	Health Boards Health Boards to be bodies corporate and have a common seal	

(9) Section 85(1) was substituted by the 1980 Act, section 6(3), amended by the Health and Social Security Act 1984 (c. 48), Schedule 8 and by the 1990 Act, Schedule 10.

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

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

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

(13) Section 86 was amended by the 1990 Act, section 36(2) to (8).

(14) Section 101 was amended by the 1990 Act, Schedule 9, paragraph 19(9).

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<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
Paragraph 2	Appointment of Chairman and members	
Paragraph 4	Payment of remuneration to the Chairman and such members of Health Boards as may be prescribed (15)	
Paragraph 5	Employment of officers and servants (16)	
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 (17)	
Paragraph 7A	Power to make regulations providing for transfer of officers and servants (18)	
Paragraph 7B	Directions to Health Boards to place officers or servants at disposal of other bodies (19)	
Paragraph 11	Power to make regulations as to appointment, committees and procedure (20)	
Paragraph 11A	Subscription to funds of other bodies (21)	
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 allowances, including compensation for loss of remunerative time	The words “, including compensation for loss of remunerative time,” shall be omitted.

(15) Paragraph 4 was amended by the 1990 Act, Schedule 5, paragraph 3.

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

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

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

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

(20) 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.

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

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<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
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(22)	
Paragraph 7C	Power to make directions as to placing of staff with other bodies(23)	

PART II

ACTS OTHER THAN THE ACT

<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
The Public Bodies (Admission to Meetings) Act 1960(24)	Admission of the public to meetings	
The House of Commons Disqualification Act 1975(25)		
In Schedule 1, Part III the entry relating to Chairman or any member, not being also an employee, of a Health Board(26)	Offices disqualifying for membership of the House of Commons	
Overseas Development and Co-operation Act 1980(27)		
Section 2(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	

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

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

(24) 1960 c. 67.

(25) 1975 c. 24.

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

(27) 1980 c. 63.

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<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
Schedule 1(28)	Statutory bodies with powers under section 2(1)	Limited to the reference in Part IV to “A Health Board”.
Health and Medicines Act 1988(29)		
Section 7(1)-(8)	Extension of powers of Secretary of State for financing the Health Service	
Health Service Commissioners Act 1993(30)	Provisions for investigations by the Health Service Commissioner for Scotland	

PART III

ENACTMENTS OTHER THAN ACTS OF PARLIAMENT

<i>Column 1 Enactment</i>	<i>Column 2 Nature of Provision</i>	<i>Column 3 Modifications and Limitations (where applicable)</i>
The National Health Service (Professions Supplementary to Medicine) (Scotland) Regulations 1974(31)	Prohibits employment for provision of services under the National Health Service of certain health professions unless they are registered under the Professions Supplementary to Medicine Act 1960(32)	
The National Health Service (Financial Provisions) (Scotland) Regulations 1974(33)	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 (Food Premises) (Scotland) Regulations 1987(34)	Health authorities (including Health Boards) to be treated for the purpose of food legislation (as defined in the Regulations) as both owners	

(28) Part IV of Schedule 1 was amended by the 1990 Act, Schedule 9, paragraph 21(c).

(29) 1988 c. 49.

(30) 1993 c. 46.

(31) S.I. 1974/549.

(32) 1960 c. 66.

(33) S.I. 1974/468.

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

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	and occupiers of premises used by them	
The National Health Service Trusts (Membership and Procedure) (Scotland) Regulations 1991 (35)	Provision as to membership	Limited so as to exclude application of regulation 8(1)(c)
The National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1991 (36)	The determination of remuneration and conditions of service of officers of Health Boards	
The Health Boards (Membership and Procedure) (No.2) Regulations 1991 (37)	Provision as to the membership and procedure to be applied by Health Boards	Limited so as to exclude application of regulation 6(1)(a).
The National Health Service (Appointment of Consultants) (Scotland) Regulations 1993 (38)	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	

(35) S.I. 1991/535; amended by S.I. 1993/412, 1994/1408 and 1998/1458.

(36) S.I. 1991/537.

(37) S.I. 1991/809; amended by S.I. 1993/1615.

(38) S.I. 1993/994.