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SCHEDULES

SCHEDULE 1

Section 2.

HEALTH BOARDS

PART I

Constitution

1 A Health Board shall be a body corporate and shall have a common seal.

Modifications etc. (not altering text)

- C1** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C2** Sch. 1 para. 1 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 1 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 1 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 1 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 1 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 1 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 1 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C3** Sch. 1 paras. 1 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

2 A Health Board shall consist of a chairman appointed by the Secretary of State and such number of other members so appointed as the Secretary of State thinks fit.

Modifications etc. (not altering text)

- C4** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C5** Sch. 1 para. 2 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 2 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 2 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 2 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 2 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 2 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 2 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C6** Sch. 1 para. 2 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

[^{F1}2A In the case of a prescribed Health Board at least one of the persons appointed under paragraph 2 above must hold a post in a university with a medical or dental school.]

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Subordinate Legislation Made

- P1** Sch. 1 para. 2A: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/571.
Sch. 1 para. 2A: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I.1991/809.
Sch 1 para 2A: for previous exercises of this power see Index to Government Orders

Textual Amendments

- F1** Sch. 1 para. 2A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 27(3), Sch. 5 para. 2

- 3 Appointments under paragraph 2 shall be made after consultation with the following bodies—
- (a) each local authority (within the meaning of the ^{M1}Local Government (Scotland) Act 1973) in the area of the Health Board concerned;
 - (b) any university appearing to the Secretary of State to have an interest in the provision of health services in that area;
 - (c) such organisations as the Secretary of State may recognise as representative in that area of the medical, dental, nursing, pharmaceutical and ophthalmic professions and such other professions as the Secretary of State considers appropriate, or of those professions generally; and
 - (d) such other organisations as appear to the Secretary of State to be concerned.

Marginal Citations

- M1** 1973 c. 65.

VALID FROM 24/06/2009

- [^{F2}3A A person appointed as chairman of a Health Board may not be an employee of that Health Board.]

Textual Amendments

- F2** Sch. 1 para. 3A inserted (24.6.2009 for certain purposes and otherwise prosp.) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 1(5), 4, 7, 11(1); S.S.I. 2009/242, art. 2

- 4 The Secretary of State may pay to the chairman of a Health Board [^{F3}and to such other members of a Health Board as may be prescribed] such remuneration as he may, with the approval of the Minister for the Civil Service, from time to time determine.

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Subordinate Legislation Made

- P2** Sch. 1 para. 4: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/571.
Sch. 1 para. 4: s. 105(7) (with ss. 2(10), 108(1) and Sch. 1 paras. 2A, 4 and 11) power exercised by S.I. 1991/809.
Sch. 1 para. 4: for previous exercises of this power see Index to Government Orders

Textual Amendments

- F3** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 27(3), [Sch. 5 para. 3](#)

Modifications etc. (not altering text)

- C7** By [S.I. 1990/2639](#), [art. 4\(2\)\(e\)](#) certain functions of the Secretary of State under para. 4 are made exercisable (1.4.1991) by the Health Education Board for Scotland
- C8** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by [S.I. 1990/2639](#), art. 5(1)(2), [Sch. Pt. I](#)
- C9** Sch. 1 para. 4 applied (1.4.1993) by [S.I. 1993/577](#), art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 4 applied (1.4.1995) by [S.I. 1995/574](#), art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 4 applied (1.4.1999) by [S.I. 1999/686](#), art. 5(1)(2), [Sch. Pt. I](#)
Sch. 1 para. 4 applied (1.4.2000) by [S.S.I. 2000/47](#), art. 5(1)(2), [Sch. Pt. I](#)
Sch. 1 para. 4 applied (6.4.2001) by [S.S.I. 2001/137](#), art. 5(1), [Sch. Pt. I](#)
Sch. 1 para. 4 applied (31.3.2002) by [S.S.I. 2002/103](#), art. 6, [Sch. Pt. I](#) (with art. 4(4))
Sch. 1 para. 4 applied (27.6.2002) by [S.S.I. 2002/305](#), art. 5(1), [Sch. Pt. I](#) (with art. 4(4))
- C10** Sch. 1 para. 4, applied (1.4.1999) by [S.I. 1999/726](#), art. 5(1)(2), [Sch. Pt. I](#)
- C11** Sch. 1 para. 4: functions transferred (31.3.2002) by [S.S.I. 2002/103](#), [art. 4\(2\)\(d\)](#) (with art. 4(4))
Sch. 1 para. 4: functions transferred (27.6.2002) by [S.S.I. 2002/305](#), [art. 4\(2\)\(j\)](#) (with art. 4(4))

- 5 A Health Board may employ such officers and servants on such terms as to remuneration and conditions of service as the Board may, ^{F4} determine [^{F5}in accordance with regulations and any directions given under this paragraph by the Secretary of State].

Textual Amendments

- F4** Words repealed by [Health Services Act 1980 \(c. 53\)](#), [Sch. 7](#)
- F5** Words inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 7\(2\)\(b\)](#)

Modifications etc. (not altering text)

- C12** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by [S.I. 1990/2639](#), art. 5(1)(2), [Sch. Pt. I](#)
- C13** Sch. 1 para. 5 applied (1.4.1993) by [S.I. 1993/577](#), art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 5 applied (1.4.1995) by [S.I. 1995/574](#), art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 5 applied (1.4.1999) by [S.I. 1999/686](#), art. 5(1)(2), [Sch. Pt. I](#)
Sch. 1 para. 5 applied (1.4.2000) by [S.S.I. 2000/47](#), art. 5(1)(2), [Sch. Pt. I](#)
Sch. 1 para. 5 applied (6.4.2001) by [S.S.I. 2001/137](#), art. 5(1), [Sch. Pt. I](#)
Sch. 1 para. 5 applied (31.3.2002) by [S.S.I. 2002/103](#), art. 6, [Sch. Pt. I](#) (with art. 4(4))
Sch. 1 para. 5 applied (27.6.2002) by [S.S.I. 2002/305](#), art. 5(1), [Sch. Pt. I](#) (with art. 4(4))
- C14** Sch. 1 para. 5 applied (1.4.1999) by [S.I. 1999/726](#), art. 5(1)(2), [Sch. Pt. I](#)

- [^{F6}5A Regulations or directions under paragraph 5 may provide for approvals, authorisations or determinations to have effect from a date (which may be before or after the date of giving or making them but may not be before if to the detriment of

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such officers and servants) specified in them ^{F7}and a direction under that paragraph may relate to a particular officer or servant or class of officer or servant specified in the direction].]

Textual Amendments

- F6** Sch. 1 para. 5A added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 14(2), **Sch. 7 para. 4**
- F7** Words added by National Health Service and Community Care Act 1990 (c.19, SIF 113:2), s. 27(3), **Sch. 5 para. 4**

Modifications etc. (not altering text)

- C15** Sch. 1 para. 5A applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 5A applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 5A applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 5A applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C16** Sch. 1 para. 5A applied (1.4.2003) by S.I. 1990/2639, art. 5(1), **Sch. Pt. 1** (as amended by The Health Education Board for Scotland Amendment Order 2003 (S.S.I. 2003/154), **art. 6(d)**)

- 6 Regulations may make provision with respect to the method of appointment of officers or servants of a Health Board and as to the qualifications, remuneration and conditions of service of those persons.

Modifications etc. (not altering text)

- C17** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C18** Sch. 1 para. 6 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 6 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with
Sch. 1 para. 6 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 6 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 6 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 6 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 6 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C19** Sch. 1 para. 6 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

- ^{F8}6A Notwithstanding paragraph 7 of this Schedule, where the registration of a dental practitioner in the dentists register is suspended—
- (a) by an order under ^{F9}section 32 of the Dentists Act 1984] (interim suspension); or
- (b) by ^{F10}an order of the Health Committee under] that Act (health cases),
- the suspension shall not terminate any contract of employment made between him and a Health Board but a person whose registration is suspended under that Part of that Act shall not perform any duties under a contract made between him and a Health Board which involve the practice of dentistry within the meaning of ^{F11}the Dentists Act 1984].]

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Textual Amendments

- F8** Sch. 1 para. 6A (expressed as para. (6A)) inserted by [Health and Social Services and Social Security Adjudications Act 1983 \(c. 41, SIF 113:3\)](#), s. 16(b)
- F9** Words substituted by [Dentists Act 1984 \(c.24, SIF 83:1\)](#), s. 54(1), [Sch. 5 paras. 12\(a\)](#), 14
- F10** Words substituted by virtue of [Dentists Act 1984 \(c.24, SIF 83:1\)](#), s. 54(1), [Sch. 5 paras. 12\(b\)](#), 14
- F11** Words substituted by [Dentists Act 1984 \(c.24, SIF 83:1\)](#), s. 54(1), [Sch. 5 para. 14](#)

- 7 No officer or servant of a Health Board to whom regulations [^{F12}or any directions given under paragraph 5] apply shall be employed otherwise than in accordance with the regulations [^{F13}or, as the case may be, the directions].

Textual Amendments

- F12** Words inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 7\(3\)\(a\)](#)
- F13** Words inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 7\(3\)\(b\)](#)

Modifications etc. (not altering text)

- C20** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), [Sch. Pt. I](#)
- C21** Sch. 1 para. 7 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 7 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 7 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), [Sch. Pt. I](#)
Sch. 1 para. 7 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), [Sch. Pt. I](#)
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Sch. 1 para. 7 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), [Sch. Pt. I](#) (with art. 4(4))
- C22** Sch. 1 para. 7 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), [Sch. Pt. I](#)

- [^{F14}7A Regulations may provide for the transfer of officers and servants from a Health Board to—
- (a) another Health Board;
 - (b) the Agency; or
 - (c) a state hospital,
- and for arrangements under which the services of an officer or servant of a Health Board are placed at the disposal of a body mentioned in sub-paragraphs (a) to (c).]

Textual Amendments

- F14** Sch. 1 paras. 7A–7C inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 27(3), [Sch. 5 para. 5](#)

Modifications etc. (not altering text)

- C23** Sch. 1 paras. 7A, 7B, 11A applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), [Sch. Pt. I](#)
- C24** Sch. 1 para. 7A applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
Sch. 1 para. 7A applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
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Sch. 1 para. 7A applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), [Sch. Pt. I](#)
Sch. 1 para. 7A applied (31.3.2002) by S.S.I. 2002/103, art. 6, [Sch. Pt. I](#) (with art. 4(4))
Sch. 1 para. 7A applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), [Sch. Pt. I](#) (with art. 4(4))

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C25 Sch. 1 para. 7A applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

7B Directions may be given by the Secretary of State—
(a) to a Health Board to place services of any of its officers or servants at the disposal of a body mentioned in sub-paragraphs (a) to (c) of paragraph 7A; and
(b) to any such body to employ as an officer or servant any person who is or was employed by a Health Board and is specified in the direction,
and a Board or body to which such directions are given shall comply with the directions.

Modifications etc. (not altering text)

- C26** Sch. 1 paras. 7A, 7B, 11A applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C27** Sch. 1 para. 7B applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 7B applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 7B applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch Pt. I**
Sch. 1 para. 7B applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 7B applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 7B applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 7B applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C28** Sch. 1 para. 7B applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

7C Before making regulations under paragraph 7A or 8A, the Secretary of State shall consult such bodies and organisations as appear to him to be concerned.

8 Regulations under paragraph 6 shall not contain a requirement that all consultants employed for the purpose of hospitals shall be employed whole-time.

[^{F15}8A In connection with arrangements relating to community care services (within the meaning of section 5A(4) (local authority plans for community care services) of the Social Work (Scotland) Act 1968), regulations may make provision with respect to—
(a) the transfer to employment by a local authority of officers or servants employed by a Health Board; and
(b) the transfer to employment by a National Health Service body of officers and servants transferred to employment by a local authority by virtue of this paragraph,
and for the purposes of this paragraph “National Health Service body” means a Health Board, the Agency or an NHS trust.]

Textual Amendments

F15 Sch. 1 para. 8A inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 27(3), **Sch. 5 para. 6**

F16g

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Textual Amendments

F16 Sch. 1 para. 9 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3), Sch. 2 para 3(2))

^{F17}10

Textual Amendments

F17 Sch. 1 para. 10 repealed (1.8.1995) by 1995 c. 7, ss. 14(2), 15(2), Sch. 5 (with ss. 9(3)(5)(7), 13, 14(3), Sch. 2 para. 3(2) and subject to an amendment (1.4.1999) by S.I. 1999/686, art. 5(1)(2), Sch. Pt.I)

PART II

Supplementary provisions

VALID FROM 24/06/2009

- [^{F18}10A(1) An elected member holds office for a period beginning with the day after the day of the Health Board election at which the member was elected and ending on the day of the next following Health Board election in the Health Board area.
- (2) An elected member vacates office on becoming—
- (a) a member of the European Parliament,
 - (b) a member of the House of Commons,
 - (c) a member of the House of Lords,
 - (d) a member of the Scottish Parliament, or
 - (e) a local authority councillor.
- (3) Regulations may specify further circumstances in which an elected member must vacate office before the end of that period and, in particular, may specify that an elected member is to vacate office on becoming the holder of a post set out in a list of restricted posts maintained by the Health Board concerned for that purpose.]

Textual Amendments

F18 Sch. 1 para. 10A inserted (temp. from 24.6.2009 for certain purposes and prosp. otherwise) by Health Boards (Membership and Elections) (Scotland) Act 2009 (asp 5), ss. 1(6), 4, 6(2)(3), 7, 11(1); S.S.I. 2009/242, art. 2

- 11 Regulations may make provision—
- (a) as to the appointment, tenure and vacation of office of chairman and members of Health Boards;
 - (b) as to the delegation of functions to committees or sub-committees [^{F19}constituted in accordance with the regulations]; [^{F20}and]

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(c) as to the procedure of Health Boards, their committees and sub-committees;
F21

(d)^{F21}

Textual Amendments

- F19** Words substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 27(3), [Sch. 5 para. 7](#)
- F20** Word inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 7\(4\)\(a\)](#)
- F21** Word and para. 11(d) repealed by [Health Services Act 1980 \(c. 53\)](#), [Sch. 7](#)

Modifications etc. (not altering text)

- C29** [Sch. 1 paras. 1, 2, 4–7, 9–15](#), [Sch. 5 paras. 7B, 7C](#) applied by S.I. 1990/2639, art. 5(1)(2), [Sch. Pt. I](#)
- C30** [Sch. 1 para. 11](#) applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
[Sch. 1 para. 11](#) applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
[Sch. 1 para. 11](#) applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), [Sch. Pt. I](#)
[Sch. 1 para. 11](#) applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), [Sch. Pt. I](#)
[Sch. 1 para. 11](#) applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), [Sch. Pt. I](#)
[Sch. 1 para. 11](#) applied (31.3.2002) by S.S.I. 2002/103, art. 6, [Sch. Pt. I](#) (with art. 4(4))
[Sch. 1 para. 11](#) applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), [Sch. Pt. I](#) (with art. 4(4))
- C31** [Sch. 1 para. 11](#) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), [Sch. Pt. I](#)

[^{F22}11A A Health Board may subscribe to the funds of any associations or other bodies having objects of which the Board approves.]

Textual Amendments

- F22** Para. 11A inserted by [Health Services Act 1980 \(c. 53\)](#), [Sch. 6 para. 7\(5\)](#)

Modifications etc. (not altering text)

- C32** [Sch. 1 paras. 7A, 7B, 11A](#) applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), [Sch. Pt. I](#)
- C33** [Sch. 1 para. 11A](#) applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
[Sch. 1 para. 11A](#) applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
[Sch. 1 para. 11A](#) applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), [Sch. Pt. I](#)
[Sch. 1 para. 11A](#) applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), [Sch. Pt. I](#)
[Sch. 1 para. 11A](#) applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), [Sch. Pt. I](#)
[Sch. 1 para. 11A](#) applied (31.3.2002) by S.S.I. 2002/103, art. 6, [Sch. Pt. I](#) (with art. 4(4))
[Sch. 1 para. 11A](#) applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), [Sch. Pt. I](#) (with art. 4(4))
- C34** [Sch. 1 para. 11A](#) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), [Sch. Pt. I](#)

12 The proceedings of a Health Board shall not be invalidated by any vacancy in membership or by any defect in the appointment of any member thereof.

Modifications etc. (not altering text)

- C35** [Sch. 1 paras. 1, 2, 4–7, 9–15](#), [Sch. 5 paras. 7B, 7C](#) applied by S.I. 1990/2639, art. 5(1)(2), [Sch. Pt. I](#)
- C36** [Sch. 1 para. 12](#) applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
- C37** [Sch. 1 para. 12](#) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), [Sch. Pt. I](#) (with art. 6)
[Sch. 1 para. 12](#) applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), [Sch. Pt. I](#)
[Sch. 1 para. 12](#) applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), [Sch. Pt. I](#)

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Sch. 1 para. 12 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 12 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))

- 13 The Secretary of State shall pay to members of a Health Board, the committees and sub-committees thereof, such travelling and other allowances, including compensation for loss of remunerative time, as he may, with the approval of the Minister for the Civil Service, from time to time determine.

Modifications etc. (not altering text)

- C38** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C39 By S.I. 1990/2639, **art. 4(2)(f)** certain functions of the Secretary of State under para. 13 are made exercisable (1.4.1991) by Health Education Board for Scotland
C40 Sch. 1 para. 13 applied (with modifications) (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 13 applied (with modifications) (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 13 applied (with modifications) (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. 1 Pt. I**
Sch. 1 para. 13 applied (with modifications) (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 13 applied (with modifications) (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 13 applied (with modifications) (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 13 applied (with modifications) (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
C41 Sch. 1 para. 13 applied (with modifications) (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**
C42 Sch. 1 para. 13: functions transferred (31.3.2002) by S.S.I. 2002/103, **art. 4(2)(e)** (with art. 4(4))
Sch. 1 para. 13: functions transferred (27.6.2002) by S.S.I. 2002/305, **art. 4(2)(k)** (with art. 4(4))

- 14 Allowances shall not be paid under paragraph 13 except in connection with the performance of such powers or duties, in such circumstances, as the Secretary of State may determine.

Modifications etc. (not altering text)

- C43** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
C44 Sch. 1 para. 14 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 14 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
Sch. 1 para. 14 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 14 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 14 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 14 applied (with modifications) (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 14 applied (with modifications) (27.6.2002) by S.S.I. 2002/305, art. 6, **Sch. Pt. I** (with art. 4(4))
C45 Sch. 1 para. 14 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

- 15 Payment under paragraph 13 shall be made at such times and in such manner, and subject to such conditions as to records, certificates or otherwise, as the Secretary of State may determine.

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Modifications etc. (not altering text)

- C46** Sch. 1 paras. 1, 2, 4–7, 9–15, Sch. 5 paras. 7B, 7C applied by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C47** Sch. 1 para. 15 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 15 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. 1 Pt. I** (with art. 6)
Sch. 1 para. 15 applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. 1 Pt. I**
Sch. 1 para. 15 applied (1.4.2000) by S.S.I. 2000/47, art. 5(1)(2), **Sch. Pt. I**
Sch. 1 para. 15 applied (6.4.2001) by S.S.I. 2001/137, art. 5(1), **Sch. Pt. I**
Sch. 1 para. 15 applied (31.3.2002) by S.S.I. 2002/103, art. 6, **Sch. Pt. I** (with art. 4(4))
Sch. 1 para. 15 applied (27.6.2002) by S.S.I. 2002/305, art. 5(1), **Sch. Pt. I** (with art. 4(4))
- C48** Sch. 1 para. 15 applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

- 16 A Health Board may by agreement transfer to the Hospital Trust any endowments or income referred to in paragraph 4(e) of Schedule 6 for investment and management on their behalf, subject to any terms or conditions set out in the agreement, notwithstanding any restriction on the powers of investment of such endowments or income.
- 17 A Health Board may borrow from the Hospital Trust against their share in the capital of the Hospital Trust.
- 18 The functions transferred to and exercisable by Health Boards under section 56 of the ^{M2}National Health (Scotland) Act 1972 (functions under the ^{M3}Nursing Homes Registration (Scotland) Act 1938) shall continue to be exercisable by them under this paragraph.

Marginal Citations

- M2** 1972 c. 58.
M3 1938 c. 73.

- 19 The Secretary of State may, with any necessary modifications, by order apply any of the provisions of [^{F23}paragraph 6 of Schedule 3 to the Civil Aviation Act 1982] to the case of a person who enters the employment of a Health Board after having been employed in employment to which [^{F24}the said paragraph 6] applies, and any such order may provide that for the purposes of any enactment specified in the order, or for any other purposes so specified, there shall be deemed to have been no break in the employment of any such person.

Textual Amendments

- F23** Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), **Sch. 15 para. 22(a)**
- F24** Words substituted by [Civil Aviation Act 1982 \(c. 16\)](#), **Sch. 15 para. 22(b)**

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