

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to National Health Service (Scotland) Act 1978. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

[^{F1F1}SCHEDULE 7A

NATIONAL HEALTH SERVICE TRUSTS

Textual Amendments

- F1** Schs. 7A, 7B inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 32, **Sch. 6**
- F1** Sch. 7A repealed (1.9.2004 but only for the purpose stated in art. 2(a)(i) of the commencing S.S.I.) by National Health Service Reform (Scotland) Act 2004 (asp 7), **ss. 1(1), 12(1), S.S.I. 2004/361, art. 2(a)(i)**

Modifications etc. (not altering text)

- C1** Sch. 7A applied in part (1.4.1999) by S.I. 1999/686, **art. 5(1)(2)**

PART II

DUTIES, POWERS AND STATUS OF NHS TRUSTS

Specific duties

- 6 [In carrying out the functions for the time being conferred on it an NHS trust shall ^{F2}(1) comply with any directions given to it by the Secretary of State, whether of a general or of a particular nature.]
- (2)

Textual Amendments

- F2** Sch. 7A para. 6(1) substituted (1.10.1999) by 1999 c. 8, s. 49(2); S.S.I. 1999/90, art. 2(a), **Sch. 1**

- 7 (1) For each accounting year an NHS trust shall prepare and send to the Secretary of State an annual report in such form as may be determined by the Secretary of State.
- (2) At such time or times as may be prescribed, an NHS trust shall hold a public meeting at which its audited accounts, its annual report, and such other documents as may be prescribed shall be presented.
- (3) In such circumstances and at such time or times as may be prescribed, an NHS trust shall hold a public meeting at which such documents as may be prescribed shall be presented.

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Subordinate Legislation Made

P1 Sch. 7A para. 7(2): S. 12A(5) (with ss. 105(7), 108(1) and Sch. 7A para. 7(2)) power exercised by S.I. 1991/535

- 8 An NHS trust shall furnish to the Secretary of State such reports, returns and other information, including information as to its forward planning as, and in such form as, he may require.
- 9 (1) An NHS trust shall be liable to pay—
- (a) to the chairman and any [^{F3}trustee] of the trust—
 - (i) remuneration of an amount determined by the Secretary of State, not exceeding such amount as may be approved by the Treasury; and
 - (ii) such travelling and other allowances as may be determined by the Secretary of State with the approval of the Treasury; and
 - (b) to any member of a committee or sub-committee of the trust who is not also a director such travelling and other allowances as may be so determined.
- (2) If an NHS trust so determines in the case of a person who is or has been a chairman of the trust, the trust shall be liable to pay such pension, allowances or gratuities to or in respect of him as may be determined by the Secretary of State with the approval of the Treasury.
- (3) Different determinations may be made under sub-paragraph (1) or (2) in relation to different cases or description of cases.

Textual Amendments

F3 Words in s. 9(1)(a) substituted (1.10.1999) by virtue of 1999 c.8, s. 65, Sch. 4 para. 62(a); S.I. 1999/90, art. 2(b), Sch. 1

Specific powers

- 10 An NHS trust may enter into NHS contracts.
- 11 An NHS trust may undertake and commission research and make available staff and provide facilities for research by other persons.
- 12 An NHS trust may—
- (a) provide training for persons employed or likely to be employed by the trust or otherwise in the provision of services under this Act; and
 - (b) make facilities and staff available in connection with training by a university or any other body providing training in connection with the health service.
- 13 An NHS trust may enter into arrangements for the carrying out on such terms as seem to it to be appropriate, of any of its functions jointly with any Health Board, with the Agency, with another NHS trust or with any other body or individual.
- 14 According to the nature of its functions, an NHS trust may make accommodation or services or both available for patients who give undertakings (or for whom undertakings are given) to pay, in respect of the accommodation or services (or both) such charges as the trust may determine.

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- 15 For the purpose of making additional income available in order better to perform its functions, an NHS trust shall have the powers specified in section 7(2) of the Health and Medicines Act ^{M1}1988 (extension of powers of Secretary of State for financing the Health Service).

Marginal Citations

M1 1988 c.49(113:2).

General powers

- 16 Subject to Schedule 7B, an NHS trust shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the discharge of its functions, including in particular power—
- (a) to acquire and dispose of land and other property;
 - (b) to enter into such contracts as seem to the trust to be appropriate;
 - (c) to accept gifts of money, land or other property, including money, land or other property to be held on trust, for purposes relating to any service which it is their function to provide, administer, or make arrangements for ^{F4}. . . ; and
 - (d) to employ staff on such terms as the trust thinks fit.

Textual Amendments

F4 Words in Sch. 7A para. 16(c) repealed (1.10.1999) by 1999 c. 8, s. 65, Sch. 4 para. 62(b), Sch. 5; S.S.I. 1999/90, art. 2(a)-(c), Schs. 1, 2

- 17 In connection with arrangements relating to community care services ^{F5}..., the Secretary of State may by regulations make provision with respect to—
- (a) the transfer to employment by a local authority of staff employed by an NHS trust; and
 - (b) the transfer to employment by a national Health Service body of staff transferred to employment by a local authority by virtue of this paragraph.
- and for the purposes of this paragraph “ National Health Service body ” means an NHS trust, a Health Board or the Agency.

Textual Amendments

F5 Words in Sch. 7A para. 17 repealed (1.4.2015) by The Public Bodies (Joint Working) (Scotland) Act 2014 (Consequential Modifications and Saving) Order 2015 (S.S.I. 2015/157), art. 1(1), Sch. para. 2(7)

- 18 Regulations made under paragraph 17 may make such incidental and consequential provision in relation to staff transferred by virtue of that paragraph as may be made in relation to officers and servants of a Health Board transferred by virtue of regulations made under paragraph 8A of Schedule 1.
- 19 Before making regulations under paragraph 17, the Secretary of State shall consult such bodies and organisations as appear to him to be concerned.
- 20 (1) Without prejudice to the generality of paragraph 16, to or in respect of such of its employees as it may determine, an NHS trust may make such arrangements

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for providing pensions, allowances or gratuities as it may determine; and such arrangements may include the establishment and administration, by the trust or otherwise, of one or more pension schemes.

- (2) The reference in sub-paragraph (1) to pensions, allowances or gratuities to or in respect of employees of an NHS trust includes a reference to pensions, allowances or gratuities by way of compensation to or in respect of any of the trust's employees who suffer loss of office or employment or loss of diminution of emoluments.

Status

- 21 An NHS trust shall not be regarded as the servant or agent of the Crown or, except as provided by this Act, as enjoying any status, immunity or privilege of the Crown; and an NHS trust's property shall not be regarded as property of, or property held on behalf of, the Crown.]

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10F(2A)(h)(i) inserted by [S.S.I. 2024/172 art. 3\(3\)\(b\)](#)
- s. 10F(2D) inserted by [S.S.I. 2024/172 art. 3\(5\)](#)
- s. 10P(2)(e) inserted by [S.S.I. 2024/172 art. 4](#)
- s. 10S(2A)(2B) inserted by [S.S.I. 2024/172 art. 5](#)
- s. 16A(5) added by [2002 asp 5 Sch. 2 para. 2\(2\)](#)
- s. 19A(2)(b) words repealed by [2003 asp 4 sch. 4 para. 5\(4\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(a) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(b) substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(c) words substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(c\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 19B(2)(e) word substituted by [2003 asp 4 sch. 4 para. 5\(5\)\(d\)](#) (This amendment not applied to legislation.gov.uk. Sch. 4 para. 5(4)-(9) omitted (1.4.2004) by virtue of S.S.I. 2004/167, Sch. para. 7)
- s. 70A inserted by [1997 c. 46 s. 26\(2\)](#)
- s. 70A(2) word substituted by [2005 asp 13 s. 14\(3\)](#)
- s. 85AB(7) inserted by [2005 asp 13 sch. 2 para. 2\(18\)\(b\)](#)
- Sch. 11 para. 2(1A) inserted by [2005 asp 13 s. 14\(6\)\(a\)](#)