
STATUTORY INSTRUMENTS

1991 No. 900 (S.88)

NATIONAL HEALTH SERVICE, SCOTLAND

**The Common Services Agency (Withdrawal and
Amendment of Functions) (Scotland) Order 1991**

Made - - - - - *25th March 1991*
Coming into force - - - - - *1st April 1991*

The Secretary of State, in exercise of the powers conferred on him by sections 10(3) and (5) and 105(7) of the National Health Service (Scotland) Act 1978(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Commons Services Agency (Withdrawal and Amendment of Functions) (Scotland) Order 1991 and shall come into force on 1st April 1991.

(2) In this Order the following expressions have the meanings given to them in this paragraph:—

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

“the CSA Functions Order” means the National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974(2);

“the Health Education Board” means the Health Education Board for Scotland constituted by the Health Education Board for Scotland Order 1990(3).

Withdrawal of the functions of health education

2.—(1) There are hereby withdrawn from the Agency all functions in relation to health education delegated or referred to the Agency under section 10 of the Act.

(2) In article 3(c) of the CSA Functions Order for the words “, management and health education” there shall be substituted the words “and management”.

(1) 1978 c. 29; section 105(7), which was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5, and Schedule 7 and by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) (“the 1983 Act”), Schedule 9, paragraph 24, contains provisions relevant to the exercise of the statutory powers under which this Order is made.
(2) S.I. 1974/467.
(3) S.I. 1990/2639.

Amendment of article 3 of the CSA Functions Order

3. In article 3 of the CSA Functions Order—

- (a) in sub-paragraph (a) for the words from “may require:” to the end of that sub-paragraph there shall be substituted the words “may require;”; and
- (b) there shall be added at the end the following new sub-paragraphs:—
 - “(l) the powers of the Secretary of State under section 79(1) of the Act⁽⁴⁾ to take on lease or to purchase by agreement moveable property and land which is required for the functions of the Agency and to use for those functions and manage any heritable or moveable property so acquired;
 - (m) the powers of the Secretary of State under section 79(1A) of the Act⁽⁵⁾ to dispose of land no longer required for the functions of the Agency disregarding so much of that sub-section as relates to the function of the Secretary of State to authorise certain officers to execute instruments on his behalf.”

St. Andrew’s House,
Edinburgh
25th March 1991

Michael B. Forsyth
Minister of State, Scottish Office

(4) Section 79(1) was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(15).

(5) Section 79(1A) was inserted by the 1983 Act, Schedule 7, paragraph 3.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order which comes into force on 1st April 1991 amends the National Health Service (Functions of the Common Services Agency) (Scotland) Order 1974 (“the principal Order”) made under section 10 of the National Health Service (Scotland) Act 1978.

Article 2 withdraws from the Common Services Agency functions in relation to health education previously exercised by it and article 3 amends the principal Order by giving to the Agency the power to exercise functions in relation to the acquisition and disposal of land and other property required for the purposes of the Agency.