
SCOTTISH STATUTORY INSTRUMENTS

2000 No. 47

The Health Technology Board for Scotland Order 2000

Citation and commencement

1. This Order may be cited as the Health Technology Board for Scotland Order 2000 and shall come into force on 1st April 2000.

Interpretation

2.—(1) For the purposes of this Order—

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

“the Board” means the Special Health Board, to be known by the name of the Health Technology Board for Scotland, which is constituted by this Order.

(2) In this Order unless the context otherwise requires, a reference to an article or Schedule is to an article of, or the Schedule to, this Order and a reference to a paragraph is to a paragraph of the article in which the reference is made.

Constitution, name and area of the Board

3. There is hereby constituted a Special Health Board for the whole of Scotland to be known by the name of the Health Technology Board for Scotland.

Functions of the Board

4.—(1) The Board shall exercise the following functions of the Scottish Ministers namely—

(a) functions in relation to the evaluation and provision of advice to the National Health Service in Scotland on the clinical and cost effectiveness of new and existing health technologies including drugs, conferred on them by the Act including without prejudice to the foregoing generality, those specified in section 1(1) of the Act;

(b) functions specified in paragraph (2) subject, however, to any limitations there specified.

(2) The functions specified in this paragraph are as follows:—

(a) the powers of the Scottish Ministers under section 79(1) of the Act⁽¹⁾ to take on lease or to purchase moveable property and land which is required for the purposes of the Board and to use for those purposes and manage any heritable or moveable property so acquired;

(b) the powers of the Scottish Ministers under subsection (1A) of section 79 of the Act⁽²⁾ to dispose of land no longer required for the purposes of the Board;

(c) the power of the Scottish Ministers under paragraph 4 of Schedule 1 to the Act⁽³⁾, as applied in relation to the Board by article 5, to pay remuneration to the Chairman of the Board and to such other members thereof as may be prescribed so, however, that this sub-

(1) Section 79(1) was amended by the 1990 Act, Schedule 9, paragraph 19(15).

(2) Section 79(1A) was inserted by the 1983 Act, Schedule 7, paragraph 3, and repealed in part by the Requirements of Writing (Scotland) Act 1995 (c. 7), section 14(2) and Schedule 5.

(3) Paragraph 4 of Schedule 1 was amended by the 1990 Act, Schedule 5, paragraph 3.

paragraph shall not be construed as extending to the power to determine the remuneration or to prescribe the members to whom it may be paid;

- (d) the power of the Scottish Ministers under paragraph 13 of Schedule 1 to the Act, as applied in relation to the Board by article 5, to pay to members of the Board, and any committees and sub-committees thereof, travelling and other allowances so however, that this subparagraph shall not be construed as extending to the power to determine the amount of such allowances; and
 - (e) the duty of the Scottish Ministers under section 47 of the Act to make available such facilities as appear to the Board to be reasonably necessary for undergraduate and post-graduate clinical teaching and research, and for the education and training of persons providing or intending to provide services under the Act.
- (3) In exercising any functions of the Scottish Ministers to acquire, use, manage or dispose of land the Board shall ensure—
- (a) that any instrument in connection with the exercise of those functions is in the name of the Scottish Ministers and not that of the Board; and
 - (b) that, where any such instrument requires to be executed on his behalf by the Scottish Ministers and it is not executed in accordance with section 18 of the Reorganisation of Offices (Scotland) Act 1939⁽⁴⁾, it is executed on his behalf in accordance with Schedule 2, paragraph 6 to the Requirements of Writing (Scotland) Act 1995⁽⁵⁾.

Application of enactments

5.—(1) Each of the enactments specified in column 1 of each Part of the Schedule (the subject matter of which is described generally in column 2) shall apply in relation to the Board as it applies in relation to Health Boards subject, however, to the modifications and limitations (if any) specified opposite thereto in column 3 and to paragraph (2).

(2) The enactments which are applied in relation to the Board by virtue of paragraph (1) are so applied only for the purposes of the exercise by the Board of the functions conferred on it by this Order.

St Andrew's House,
Edinburgh
9th March 2000

SUSAN C DEACON
A member of the Scottish Executive

(4) 1939 c. 20.
(5) 1995 c. 7.