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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

**Changes to legislation:** National Health Service (Scotland) Act 1978, Paragraph 7 is up to date with all changes known to be in force on or before 05 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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## SCHEDULES

### SCHEDULE 6

#### THE HOSPITAL TRUST

##### PART II

###### *Powers*

- 7 (1) The Trust shall, at such date or dates in each year as the Secretary of State may determine, distribute the income from all relevant endowments transferred to them under section 2(1) of the <sup>M1</sup>Hospital Endowments (Scotland) Act 1971 and from property accepted by them in pursuance of paragraph 4(f), after deduction of such expenses as have been incurred under this Act or the said Act of 1971 or regulations made thereunder, among Health Boards [<sup>F1</sup>, NHS trusts] and state hospitals in accordance with schemes made from time to time by the Secretary of State by statutory instrument.
- (2) Before making a scheme under this paragraph the Secretary of State shall give to Health Boards [<sup>F2</sup>, NHS trusts] and the bodies charged with the management of state hospitals an opportunity to make representations to him about the scheme.
- (3) Such schemes shall provide for the income from such relevant endowments—
- (a) in so far as it is distributed among Health Boards, being used by those Boards for purposes relating to services provided under this Act in or in relation to hospitals, or to research into any such matters as are mentioned in section 47(2), or for purposes intended to preserve the memory of any person or class of persons;
  - (b) in so far as it is distributed to a state hospital, being used by that hospital for any purpose for which the hospital was provided, including research in connection with any such purpose.
  - [<sup>F3</sup>(c) in so far as it is distributed among NHS trusts, being used by that trust for any purpose for which the trust was established.]
- (4) In making a scheme under this paragraph the Secretary of State shall have regard to the arrangements for the distribution of income under any scheme, being a scheme made under section 7 of the said Act of 1971 and in operation immediately before 1st April 1974; and any scheme made under this paragraph may provide that any accumulated income held by a Health Board by virtue of section 2(2)(a) of the said Act of 1971 may be used only for such purposes as may be specified in the scheme.
- (5) No scheme shall be made under this paragraph unless a draft has been laid before Parliament and has been approved by a resolution of each House of Parliament.

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#### **Textual Amendments**

- F1** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 19(24)(e)**
- F2** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 19(24)(f)**
- F3** Sch. 6 para. 7(3)(c) inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 19(24)(g)**
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#### **Marginal Citations**

- M1** 1971 c. 8.

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