

*Status: Point in time view as at 01/01/2006.*

*Changes to legislation: National Health Service (Scotland) Act 1978, Cross Heading: General powers is up to date with all changes known to be in force on or before 22 July 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)*

## SCHEDULES

### [<sup>F1</sup>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- F1** [Sch. 7A](#) repealed (1.9.2004 but only for the purpose stated in art. 2(a)(i) of the commencing S.S.I.) by [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\), ss.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

##### *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 <sup>F2</sup> . . . ; and
  - (d) to employ staff on such terms as the trust thinks fit.

##### Textual Amendments

- F2** Words in [Sch. 7A para. 16\(c\)](#) repealed (1.10.1999) by [1999 c. 8, s. 65, Sch. 4 para. 62\(b\), Sch. 5; S.S.I. 1999/90, art. 2\(a\)-\(c\), Schs. 1, 2](#)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 (within the meaning of section 5A(4) (local authority plans for community care services) of the Social Work (Scotland) Act 1968), 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

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- (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.
- 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 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.]

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