

Status: Point in time view as at 01/01/2006.

Changes to legislation: National Health Service (Scotland) Act 1978, Part IV is up to date with all changes known to be in force on or before 27 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)

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- F1** [Sch. 7A](#) repealed (1.9.2004 but only for the purpose stated in art. 2(a)(i) of the commencing S.S.I.) by [National Health Service Reform \(Scotland\) Act 2004 \(asp 7\), ss.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

DISSOLUTION

- 25 (1) The Secretary of State may by order dissolve an NHS trust.
- (2) An order under this paragraph may be made—
- (a) on the application of the NHS trust concerned; or
 - (b) if the Secretary of State considers it appropriate in the interests of the health service as a whole.
- (3) Except where it appears to the Secretary of State necessary to make an order under this paragraph as a matter of urgency, no such order shall be made until after the completion of such consultation as may be prescribed.
- 26 (1) If an NHS trust is dissolved under this Part of this Schedule, the Secretary of State may by order transfer or provide for the transfer to—
- (a) the Secretary of State, or
 - (b) a Health Board, or
 - (c) the Agency, or
 - (d) another NHS trust.
- of such of the property, rights and liabilities of the NHS trust which is dissolved as in his opinion is appropriate and any such order may include provisions corresponding to those of section 12D.

[For the avoidance of doubt, the reference to “property, rights and liabilities” in sub-^{F2}(1A) paragraph (1) includes endowments and property held in trust.]

- (2) An order under this paragraph may make provision in connection with the transfer of staff employed by or for the purposes of the NHS trust which is dissolved; and such an order may include provisions corresponding to those of sections 12B and 12C,

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including provision for the making of a scheme by such body (being a Health Board or the Agency) as may be specified in the order.

(3) No order shall be made under this paragraph until after completion of such consultation as may be prescribed.

Textual Amendments

F2 Sch. 7A para. 26(1A) inserted (30.9.2004) by National Health Service Reform (Scotland) Act 2004 (asp 7), ss. 1(3), 12(1); S.S.I. 2004/361, art. 2(b)(i)

- 27 If an NHS trust is dissolved under this Part of this Schedule, the Secretary of State or such other NHS trust or Health Board as he may direct or, if he so directs, the Agency shall undertake the responsibility for the continued payment of any such pension, allowances or gratuities as, by virtue of paragraph 9(2) or paragraph 20 above, would otherwise have been the responsibility of the trust which has been dissolved.
- 28 An NHS trust may not be dissolved or wound up except in accordance with this Part of this Schedule.]

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