Status: Point in time view as at 25/03/1991. This version of this provision has been superseded.
Changes to legislation: National Health Service (Scotland) Act 1978, Section 10 is up to date with all changes known
to be in force on or before 03 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)

National Health Service (Scotland) Act 1978

1978 CHAPTER 29

PART I

ORGANISATION

Agency for Secretary of State and other bodies

10   Common Services Agency.

(1) There shall be constituted a body, to be called the Common Services Agency for the [**F1**Scottish Health Service] (hereafter in this Act referred to as "the Agency"), which shall have the functions conferred on it by this section.

(2) Schedule 5 shall have effect in relation to the Agency.

(3) The Secretary of State may by order delegate to the Agency such of his functions under this Act as he considers appropriate.

(4) After consultation with . . . **F2**, the Health Boards and any other interests which appear to the Secretary of State to be concerned, the Secretary of State, where he considers it expedient for the efficient discharge of the functions of the Health Boards, may by order provide that the performance of such functions as he may determine shall stand referred to the Agency and be discharged by it on behalf of any or all of the Health Boards.

(5) The Secretary of State may by order withdraw from the Agency any function delegated or referred to it under this section.

(6) The Agency shall provide such services and carry out such tasks for bodies associated with the health service as the Secretary of State and those bodies may agree, and on such terms and conditions as may be agreed.

(7) In carrying out its functions the Agency shall act subject to, and in accordance with, such directions as may be given by the Secretary of State.

(8) The Agency shall, notwithstanding that it is exercising functions on behalf of the Secretary of State or any other body associated with the health service, be entitled to enforce any rights acquired, and shall be liable in respect of any liabilities incurred (including liability in damages for wrongful or negligent acts or omissions), in the exercise of those functions, in all respects as if the Agency were acting as a principal; and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Agency in its own name.

[**F3**(9) The Agency shall not be entitled to claim in any proceedings any privilege of the Crown in respect of the recovery or production of documents; but this subsection shall be without prejudice to any right of the Crown to withhold, or procure the withholding from production of, any document on the ground that its disclosure would be contrary to the public interest.]

Textual Amendments

F1 Words substituted by Health Services Act 1980 (c. 53), **Sch. 6 para. 2**

F2 Words repealed by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

F3 S. 10(9) repealed (1.4.1991) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(2), **Sch. 10**

Modifications etc. (not altering text)

C1 S. 10(4) applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**

C2 S. 10(4) applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)

S. 10(4) applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)

S. 10(4) applied (1.4.1999) by S.I. 1999/686, art. 5(1)(2), **Sch. Pt. I**

S. 10(4) applied (1.4.1999) by S.I. 1999/726, art. 5(1)(2), **Sch. Pt. I**

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