



# National Health Service (Scotland) Act 1978

## 1978 CHAPTER 29

### PART V

#### PROPERTY AND FINANCE

##### *Finance and accounts*

#### **86 Accounts of Health Boards and the Agency.**

[<sup>F1</sup>(1) The following bodies that is to say—

- (a) every Health Board;
- (b) the Agency; and
- (c) every NHS trust,]

shall keep, in such form as the Secretary of State may, with the approval of the Treasury, direct, accounts of all moneys received or paid out by them, and those accounts shall be audited [<sup>F2</sup>by auditors appointed by the Secretary of State][<sup>F2</sup>in accordance with Part VII of the Local Government (Scotland) Act 1973 by auditors appointed by the Accounts Commission for Scotland]; and the Comptroller and Auditor General may examine all such accounts and any records relating thereto and any report of the auditor thereof.

[<sup>F3</sup>(1A) So far as relates to allotted sums paid to the members of a recognised fund-holding practice—

- (a) accounts shall be kept in such form as the Secretary of State may with the approval of the Treasury direct and shall be audited [<sup>F4</sup>by auditors appointed by the Secretary of State][<sup>F4</sup>in accordance with Part VII of the Local Government (Scotland) Act 1973 by auditors appointed by the Accounts Commission for Scotland];
- (b) the Comptroller and Auditor General may examine the accounts and the records relating to them and any report of the auditor on them;

*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*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, Section 86 is up to date with all changes known to be in force on or before 04 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)*

- (c) in respect of each financial year, annual accounts in such form as the Secretary of State may with the approval of the Treasury direct shall be prepared and submitted to the relevant Health Board; and
  - (d) in respect of each financial year, each Health Board shall prepare, in such form as the Secretary of State may with the approval of the Treasury direct, and include in its own accounts, a summarised version of the accounts submitted to the Board under paragraph (c).
- (1B) In preparing its annual accounts in pursuance of subsection (1), an NHS trust shall comply with any directions given by the Secretary of State with the approval of the Treasury as to—
- (a) the methods and principles according to which the accounts are to be prepared; and
  - (b) the information to be given in the accounts.]
- [<sup>F5</sup>(1C) In such circumstances and to such extent as regulations made by the Secretary of State so provide, the requirement in subsection (1A)(a) to have accounts audited shall not apply to the accounts for any year of a recognised fund-holding practice if those accounts are submitted to a Health Board and summarised in the Board’s accounts.]
- [<sup>F6</sup>(2) Regulations may make provision generally with respect to the audit of accounts under [<sup>F7</sup>subsection (1)] [<sup>F7</sup>subsections (1) and (1A)] and, in particular, for conferring on the auditor of any of those accounts such rights of access to, and production of, books, accounts, vouchers or other documents as may be specified in the regulations, and such right in such conditions as may be so specified to require from any member or officer, or former member or officer, of a [<sup>F8</sup>Health Board or the Agency] [<sup>F8</sup>body mentioned in paragraphs (a) to (c) of subsection (1) or a recognised fund holding practice] such information relating to the affairs of the [<sup>F9</sup>Board or the Agency] [<sup>F9</sup>body or practice] as the Secretary of State may think necessary for the proper performance of the duty of the auditor.]
- (3) Every [<sup>F10</sup>body mentioned in paragraphs (a) to (c) of subsection (1)] shall prepare and transmit to the Secretary of State in respect of each financial year accounts in such form as the Secretary of State may, with the approval of the Treasury, direct.
- (4) The Secretary of State shall prepare in respect of each financial year, in such form as the Treasury may direct, summarised accounts of the [<sup>F11</sup>bodies mentioned in paragraphs (a) to (c) of subsection (1)], and shall transmit them on or before 30th November in each year to the Comptroller and Auditor General, who shall examine and certify them and lay a copy of them, together with his report thereon, before each House of Parliament.
- [<sup>F12</sup>(5) In this section “recognised fund-holding practice” and “allotted sum” have the same meaning as in section 87B.]

#### Textual Amendments

- F1** S. 86(1)(a)(b)(c) substituted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 36\(2\)\(3\)](#)
- F2** Words commencing “in accordance with Part VII” substituted (*prosp.*) for words commencing “by auditors appointed” by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), ss. 36\(1\), 67\(2\), Sch. 7 para. 14\(2\)](#)
- F3** S. 86(1A)(1B) inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\), s. 36\(2\)\(4\)](#)

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- F4** Words beginning “in accordance” substituted (*prosp.*) for words beginning “by auditors” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 36(1), 67(2), **Sch. 7 para. 14(2)**
- F5** Subsection (1C) inserted (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 36(1), 67(2), **Sch. 7 para. 14(3)**
- F6** S. 86(2) repealed (*prosp.*) by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), ss. 36(1), 66(2), 67(2), Sch. 7 para. 14(4), **Sch. 10**
- F7** Words “subsections (1) and (1A)” substituted (*temp.* from 17.9.1990 to 31.3.1995) for words “subsection (1)” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(5)(a)**; S.I. 1990/1793, art. 2(1), **Sch. 1**
- F8** Words commencing “body mentioned in paragraphs (a) to (c)” substituted (*temp.* from 17.9.1990 to 31.3.1995) for words “Health Board or the Agency” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(5)(b)**; S.I. 1990/1793, art. 2(1), **Sch. 1**
- F9** Words “body or practice” substituted (*temp.* from 17.9.1990 to 31.3.1995) for words “Board or the Agency” by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(5)(c)**; S.I. 1990/1793, art. 2(1), **Sch. 1**
- F10** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(6)**
- F11** Words substituted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(7)**
- F12** S. 86(5) added by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), **s. 36(8)**

**Modifications etc. (not altering text)**

- C1** Ss. 85B, 86 applied (1.4.1991) by S.I. 1990/2639, art. 5(1)(2), **Sch. Pt. I**
- C2** S. 86 extended by Mental Health (Scotland) Act 1984 (c. 36, SIF 85), **ss. 2(8)(c)**, 17(2), 91(2), Sch. 1 para. 8(e)
- C3** S. 86 applied (1.4.1993) by S.I. 1993/577, art. 5(1)(2), **Sch. Pt. I** (with art. 6)  
S. 86 applied (1.4.1995) by S.I. 1995/574, art. 5(1)(2), **Sch. Pt. I** (with art. 6)
- C4** S. 86(1A)(a) excluded (7.11.1997) by S.I. 1997/2469, **reg. 2**

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