
EXPLANATORY NOTE

(This note is not part of the Order)

This Order which comes into force on 1st April 1989 amends the National Health Service (Functions of Health Boards) (Scotland) Order 1983 (“the principal Order”) consequential to the coming into force of section 7 of the Health and Medicines Act 1988 (c. 49) (“the 1988 Act”) and of other provisions of that Act which amend the National Health Service (Scotland) Act 1978 (“the 1978 Act”).

The provisions of article 3(1)(e) and 3(2) of the principal Order are revoked to reflect the repeal of section 50 of the 1978 Act; the provisions of article 3(1)(f), (g) and (h) are amended, and subparagraph (kk) is inserted, to enable Health Boards to exercise the functions of the setting of charges for, respectively, amenity accommodation, accommodation and services for private resident and non-resident patients and overseas visitors; paragraph (3) of article 3 is revoked because section 54 of the 1978 Act, following repeal of sections 50 and 53 of the 1978 Act by the 1988 Act, refers only to the supply of blood, which is a function expressly excluded from being exercised by Health Boards in terms of article 3(1)(d) of the principal Order; the provisions of article 4(1)(a) and 4(1)(c) are revoked to remove the limitation on the exercise by Health Boards of functions under section 36 and 79 of the 1978 Act (powers to provide accommodation and premises and to buy and sell land).