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STATUTORY INSTRUMENTS

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**1993 No. 577**

**The Scottish Council for Postgraduate  
Medical and Dental Education Order 1993**

**Citation and commencement**

1.—(1) This Order may be cited as the Scottish Council for Postgraduate Medical and Dental Education Order 1993.

(2) This Order shall come into force on 1st April 1993.

**Interpretation**

2.—(1) For the purposes of this Order unless the context otherwise requires—

“the Act” means the National Health Service (Scotland) Act 1978;

“the Board” means the Special Health Board, to be known by the name of the Scottish Council for Postgraduate Medical and Dental Education which is constituted by this Order;

“enactment” includes order and regulation.

(2) In this Order unless the context otherwise requires, a reference to an article or Schedule is to an article of, or the Schedule to, this Order and a reference to a paragraph is to a paragraph of the article in which the reference is made.

**Constitution, name and area of the Board**

3. There is hereby constituted a Special Health Board for the whole of Scotland to be known by the name of the Scottish Council for Postgraduate Medical and Dental Education.

**Functions of the Board**

4.—(1) The Board shall exercise the following functions of the Secretary of State namely:—

(a) functions in relation to postgraduate education and research facilities conferred on him by the Act including, without prejudice to the foregoing generality, those specified in section 47 (educational and research facilities), and

(b) functions specified in paragraph (2) subject, however, to any limitations there specified.

(2) The functions specified in this paragraph are as follows:—

(a) the power of the Secretary of State to assist voluntary organisations under section 16 of the Act<sup>(1)</sup>;

(b) the power of the Secretary of State to give financial assistance to voluntary organisations under section 16B of the Act<sup>(2)</sup> limited to assisting such organisations to which that section would apply if the expression “relevant service” within the meaning thereof were limited to the provision of facilities appearing to the Board to be reasonably required for postgraduate clinical teaching and research and for postgraduate education and training of

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(1) Section 16 was amended by the 1980 Act, Schedule 7.

(2) Section 16B was inserted by the 1983 Act, section 3.

persons providing or intending to provide services under the 1978 Act, and the assistance were upon such terms and subject to such conditions as the Secretary of State, with the approval of the Treasury, might determine;

- (c) the powers of the Secretary of State under section 79(1) of the Act((3)) to take on lease or to purchase moveable property and land which is required for the purposes of the Board and to use for those purposes and manage any heritable or moveable property so acquired;
  - (d) the powers of the Secretary of State under section 79(1A) of the Act((4)) to dispose of land no longer required for the purposes of the Board disregarding so much of that subsection as relates to the function of the Secretary of State to authorise certain officers to execute instruments on his behalf;
  - (e) the power of the Secretary of State under paragraph 4 of Schedule 1 to the Act((5)), as applied in relation to the Board by article 5, to pay remuneration to the Chairman of the Board and to such other members thereof as may be prescribed so, however, that this subparagraph shall not be construed as extending to the power to determine the remuneration or to prescribe the members to whom it may be paid; and
  - (f) the power of the Secretary of State under paragraph 13 of Schedule 1 to the Act, as applied in relation to the Board by article 5, to pay to members of the Board, and any Committees and sub-committees thereof, travelling and other allowances so, however, that this subparagraph shall not be construed as extending to the power to determine the amount of such allowances.
- (3) In exercising any functions of the Secretary of State to acquire, use, manage or dispose of land the Board shall ensure—
- (a) that any instrument in connection with the exercise of those functions is in the name of the Secretary of State for Scotland and not that of the Board; and
  - (b) that, where any such instrument requires to be executed on his behalf by the Secretary of State for Scotland and it is not executed in accordance with section 1(8) of the Reorganisation of Offices (Scotland) Act 1939((6)), it is executed on his behalf in accordance with section 79(1A) of the Act.

### **Application of enactments**

5.—(1) Each of the enactments specified in column 1 of each part of the Schedule (the subject matter of which is described generally in column 2) shall apply in relation to the Board as it applies in relation to Health Boards subject, however, to the modifications and limitations (if any) specified opposite thereto in column 3 and to paragraph (2).

(2) The enactments which are applied in relation to the Board by virtue of paragraph (1) are so applied only for the purposes of the exercise by the Board of the functions conferred on it by this Order.

### **Saving for powers of the Secretary of State, Health Boards, NHS Trusts and the Agency**

6. Nothing in this Order shall prevent the Secretary of State, a Health Board, a Special Health Board, or NHS Trust or the Common Services Agency for the Scottish Health Service from exercising any function conferred or imposed upon any one of them by or under any enactment or rule of law or affect or restrict the exercise of any such function by them or any one of them.

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(3) Section 79(1) was amended by the 1990 Act, Schedule 9 paragraph 19(15).

(4) Section 79(1A) was inserted by the 1983 Act, Schedule 7 paragraph 3.

(5) Paragraph 4 of Schedule 1 was amended by the 1990 Act, Schedule 5 paragraph 3.

(6) 1939 c. 20.

St Andrew's House,  
Edinburgh  
5th March 1993

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