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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order constitutes, under article 3, a Special Health Board for the whole of Scotland to be known as the State Hospitals Board for Scotland. In accordance with article 1 the Order comes into force on 1st April 1995.

Article 4 of the Order confers on this new Board the duty to provide state hospitals with associated services for the mentally disordered detained under the Mental Health (Scotland) Act 1984 who require treatment under conditions of special security. The Board shall also carry out duties of the Secretary of State under the National Health Service (Scotland) Act 1978 (“the 1978 Act”), including the duty to make arrangements for the prevention of mental disorder and the care and aftercare of those suffering from mental disorder, and the duty to make available facilities for research and training at state hospitals. This article further enables the Board to exercise certain functions of the Secretary of State including the giving of assistance to voluntary organisations and the acquisition, management and disposal of property.

Article 5 and the Schedule apply to the Board various provisions in the 1978 Act which apply to Health Boards in general. These include provisions as to funding, the keeping and auditing of accounts and the appointment and remuneration of Board members and staff. Provisions in certain other Acts of Parliament relevant to Health Boards generally are also applied as are provisions in various sets of regulations.

Article 6 ensures that nothing in the Order affects the power of the Secretary of State or the power of other Health Service bodies to exercise any function conferred on any of them by or under the 1978 Act or any other enactment or rule of law.