STATUTORY INSTRUMENTS

1974 No. 466 (S.27)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Functions of Health Boards) (Scotland) Order 1974

Made - - -	15*th March* 1974
Coming into Operation	1*st April* 1974

In exercise of the powers conferred on me by section 13(1) of the National Health Service (Scotland) Act 1972(**a**), and of all other powers enabling me in that behalf, I hereby make the following order:—

Citation, commencement and interpretation

1. This order may be cited as the National Health Service (Functions of Health Boards) (Scotland) Order 1974 and shall come into operation on 1st April 1974.

2.—(1) In this order—

"the Act" means the National Health Service (Scotland) Act 1972;

"the Act of 1947" means the National Health Service (Scotland) Act 1947(**b**);

"the Act of 1968" means the Health Services and Public Health Act 1968(**c**);

"Board" means a Health Board constituted under section 13 of the Act; and

"the Agency" means the Common Services Agency for the Scottish Health Service constituted under section 19 of the Act;

(2) Unless the context otherwise requires, references in this order to any enactment shall be construed as references to that enactment as amended or re-enacted by any subsequent enactment.

(3) The Interpretation Act 1889(**d**) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

(**a**) 1972 c. 58.
(**b**) 1947 c. 27.
(**c**) 1968 c. 46.
(**d**) 1889 c. 63.

Functions of Boards

3. Subject to and in accordance with this order and any regulations, orders and directions which may be made or given by the Secretary of State, every Board shall exercise the aftermentioned functions with respect to the administration of health services provided by the Secretary of State.

4. Every Board shall exercise the functions under the Act with respect to the following matters—

(*a*) The provision under section 2 of such accommodation, premises and services as are described therein.

(*b*) The making of arrangements under section 4(1) to meet all reasonable requirements for the purposes of the prevention of illness, the care of persons suffering from illness or the aftercare of such persons.

(*c*) The recovery and remission under section 4(2) of such charges as may be prescribed.

(*d*) The making of arrangements under section 5(1) for the care, including in particular medical and dental care, of expectant mothers and nursing mothers and of young children.

(*e*) The recovery and remission under section 5(2) of such charges as may be prescribed.

(*f*) Providing under sections 6(1) and 6(2) for medical and dental inspection, supervision and treatment of pupils and young persons.

(*g*) The making of arrangements under section 7 for the vaccination or immunisation of persons against any disease.

(*h*) The making of arrangements under section 8(1) for the giving of advice on contraception, the medical examination of persons seeking advice on contraception, the treatment of such persons and the supply of contraceptive substances or appliances.

(*i*) The recovery and remission under section 8(2) of such charges as may be prescribed.

(*j*) The making available under section 9 of educational and research facilities.

(*k*) The dissemination under section 10 of information relating to the promotion and maintenance of health and the prevention of illness.

(*l*) The provision under section 11 of residential and practice accommodation.

5. Every Board shall exercise the functions under the Act of 1947 and the Act of 1968 with respect to the following matters:—

(*a*) The making and recovery under section 3(3) of the Act of 1947 of charges for the supply, replacement or repair of appliances.

(*b*) The payment under section 3(4) of the Act of 1947 of travelling expenses.

(*c*) The making available under section 4 of the Act of 1947 of hospital accommodation provided in single rooms or small wards and the recovery of charges for such accommodation.

(*d*) The conducting under section 17 of the Act of 1947 of research into the matters specified in that section or the assisting of persons to conduct such research.

(*e*) The provision under section 18 of a service for the control of the spread of infectious diseases, the use of such service and the recovery of charges for such use.

(*f*) The making available under sections 1 and 2 of the Act of 1968 of accommodation and services for patients who undertake to pay charges and the recovery of such charges.

(*g*) The giving under section 64 of the Act of 1968 of financial assistance to voluntary organisations.

6. Notwithstanding the foregoing provisions of this order:—

(*a*) Nothing in this order shall authorise a Board to acquire land for the purposes of exercising their functions with respect to the administration of health services.

(*b*) A Board shall not, except with the consent of the Secretary of State, undertake any building or civil engineering project or scheme the estimated cost of which exceeds such limit as may be determined from time to time by the Secretary of State.

(*c*) A Board shall not, except with the consent of the Secretary of State in each case, provide residential or practice accommodation under section 11(2) of the Act of 1972.

(*d*) The extent to which accommodation and services may be made available under sections 1 and 2 of the Act of 1968 shall be subject to the approval of the Secretary of State.

(*e*) The giving of financial assistance under section 64 of the Act of 1968 shall be upon such terms and subject to such conditions as the Secretary of State may with the approval of the Treasury determine.

7. (*a*) Nothing in this order shall affect the exercise by the Agency of any function conferred on it under section 19 of the Act.

(*b*) Nothing in this order shall affect the power of the Secretary of State to provide or administer health services otherwise than in accordance with the

foregoing provisions of this order where in his opinion special circumstances make it desirable to do so.

William Ross,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.
15th March 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order specifies the functions of the Secretary of State to be exercised by Health Boards under the National Health Service (Scotland) Acts 1947 to 1973.

SI 1974/466
ISBN 0-11-040466-1

