STATUTORY INSTRUMENTS

# 1974 No. 509 (S.44)

## NATIONAL HEALTH SERVICE, SCOTLAND

## The National Health Service (Transfer of Rights and Liabilities of Regional Hospital Boards and Boards of Management) (Scotland) Order 1974

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| *Made* - - - | 19*th March* 1974 |
| *Laid before Parliament* | 29*th March* 1974 |
| *Coming into Operation* | 1*st April* 1974 |

In exercise of the powers conferred on me by sections 25 and 61(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 (Transfer of Rights and Liabilities of Regional Hospital Boards and Boards of Management) (Scotland) Order 1974 and shall come into operation on the 1st April 1974.

**2.**—(1) In this order, unless the context otherwise requires:—

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

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

"appointed day" means 1st April 1974;

"Health Board" means a health board constituted under Section 13 of the Act;

"abolished authority" means a Regional Hospital Board or a Board of Management dissolved in terms of Section 24(1) of the Act;

"new health authority" means a Health Board or, where appropriate, the Agency.

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

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**(a)** 1972 c. 58. **(b)** 1889 c. 63.

*Transfer and enforceability of rights and liabilities*

**3.**—(1) Any right or liability enforceable by or against an abolished authority immediately before the appointed day shall, on that day, be transferred to and enforceable by or against the Health Board, or, where appropriate, the Agency exercising, in place of the abolished authority, the function in respect of which any such right or liability was acquired or incurred;

Provided that any such right or liability which was enforceable by or against an abolished authority and which is not by virtue of the foregoing provision of this paragraph enforceable by or against any new health authority, or is enforceable by or against more than one new health authority, shall be enforceable by or against the Health Board within whose area is included the address at which is situated immediately before the appointed day the office of the Secretary of that abolished authority.

(2) In this article any reference to rights or liabilities enforceable by or against any abolished authority shall without prejudice to the generality of paragraph (1) of this article include:

(*a*) any right or liability which was enforceable by or against an abolished authority in respect of the employment by such authority of any persons who transfer to the employment of a new health authority by virtue of any scheme made under section 29 or any Order made under section 34 of the Act and which right or liability is now enforceable by or against such new health authority;

(*b*) any right or liability which was enforceable by or against an abolished authority in respect of any property and which is now enforceable by or against the new health authority which controls and manages such property, on the appointed day, on behalf of the Secretary of State;

(*c*) any right of an abolished authority to secure payment of a debt due to that authority or under an undertaking to pay any charges, incurred before the appointed day, for accommodation and services, and any liability on the part of such an authority for payment of a debt, and which right or liability is now enforceable by or against the new health authority in accordance with the Schedule to this order.

*William Ross,*

One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh.

19th March 1974.

## SCHEDULE

| Column 1 | Column 2 |
|---|---|
| *Title of new Health Authority* | *Title of abolished Authority* |
| **Highland Health Board** | *Northern Regional Hospital Board*<br>Boards of Management for:<br>Inverness Hospitals<br>Craig Dunain Hospitals<br>Lochaber Hospitals<br>Skye Hospitals<br>Ross (Mainland) Hospitals<br>Sutherland Hospitals<br>Caithness Hospitals<br>Nairn Hospitals |
| **Grampian Health Board** | *North-Eastern Regional Hospital Board*<br>Boards of Management for:<br>Foresterhill and Associated Hospitals<br>Royal Cornhill and Associated Hospitals<br>Buchan Hospitals<br>Banffshire Hospitals<br>Moray Hospitals |
| **Tayside Health Board** | *Eastern Regional Hospital Board*<br>Boards of Management for:<br>Dundee Northern Hospitals<br>Ninewells and Associated Hospitals<br>Murray Royal and Murthly Hospitals<br>County and City of Perth General Hospitals<br>Angus Hospitals |
| **Fife Health Board** | Boards of Management for:<br>West Fife Hospitals<br>East Fife Hospitals<br>Stratheden and Associated Hospitals |
| **Lothian Health Board** | *South-Eastern Regional Hospital Board*<br>Boards of Management for:<br>Royal Infirmary of Edinburgh and Associated Hospitals<br>Edinburgh Northern Hospitals<br>Edinburgh Southern Hospitals<br>Royal Victoria and Associated Hospitals<br>Astley Ainslie, Edenhall and Associated Hospitals<br>Royal Edinburgh and Associated Hospitals<br>East Lothian Hospitals<br>West Lothian (Bangour) Hospitals |
| **Borders Health Board** | Boards of Management for:<br>Scottish Borders Hospitals<br>Dingleton Hospitals |
| **Forth Valley Health Board** | Boards of Management for:<br>Larbert Hospitals<br>Stirling, Falkirk and Alloa Hospitals |

| Column 1 | Column 2 |
|---|---|
| **Argyll and Clyde Health Board** | Boards of Management for:<br>Dunoon Hospitals<br>Campbeltown and District Hospitals<br>Lochgilphead Hospitals<br>Greenock and District Hospitals<br>Oban and District Hospitals<br>Bute and Cumbrae Hospitals<br>Dunbartonshire Hospitals<br>Paisley and District Hospitals |
| **Greater Glasgow Health Board** | *Western Regional Hospital Board*<br>Boards of Management for :<br>Yorkhill and Associated Hospitals<br>Glasgow Royal Infirmary and Associated Hospitals<br>Glasgow Northern Hospitals<br>Glasgow Homoeopathic Hospitals<br>Glasgow Dental Hospital and School<br>Glasgow South-Western Hospitals<br>Glasgow Western and Gartnavel Hospitals<br>Glasgow Maternity and Women's Hospitals<br>Glasgow Victoria and Leverndale Hospitals<br>Glasgow North-Eastern Hospitals<br>Lennox Castle and Associated Hospitals<br>Kirkintilloch and Kilsyth Hospitals |
| **Lanarkshire Health Board** | Boards of Management for:<br>Motherwell, Hamilton and District Hospitals<br>Southern Lanarkshire Hospitals<br>Central Lanarkshire Hospitals<br>Coatbridge, Airdrie and District Hospitals |
| **Ayrshire and Arran Health Board** | Boards of Management for:<br>Isle of Arran Hospitals<br>Northern Ayrshire Hospitals<br>Southern Ayrshire and Ailsa Hospitals |
| **Dumfries and Galloway Health Board** | Board of Management for:<br>Dumfries and Galloway Hospitals |
| **Orkney Health Board** | Board of Management for:<br>Orkney Hospitals |
| **Shetland Health Board** | Board of Management for:<br>Shetland Hospitals |
| **Western Isles Health Board** | Boards of Management for:<br>North and South Uist Hospitals<br>Lews and Harris Hospitals |

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

The Order provides for rights and liabilities held by Regional Hospital Boards and Boards of Management before the appointed day to be transferred to and made enforceable by or against individual Health Boards or the Common Services Agency.

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