STATUTORY INSTRUMENTS

1974 No. 510 (S.45)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Transfer of Hospital Endowments) (Scotland) Order 1974

Made - - - -	15*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 37(2), 38(2) 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 and commencement

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

Interpretation

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

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

"the Act of 1971" means the Hospital Endowments (Scotland) Act 1971**(b)**;

"the appointed day" means 1st April 1974;

"authorised officer" means an officer authorised by the Secretary of State to execute any deed or instrument or to sign any certificate for the purposes of this order;

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

"prescribed endowment" means an endowment held by a Regional Hospital Board or Board of Management by virtue of section 7(1) or section 58 of the National Health Service (Scotland) Act 1947**(c)**, and includes property of any kind forming part of such an endowment;

"relevant endowment" has the meaning assigned to it by section 1(3) of the Act of 1971, and includes property of any kind forming part of such an endowment.

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

Application

3. The following provisions of this order shall have effect for the purpose of determining the division between Health Boards of prescribed endowments and the accumulated income thereof and rights in relevant endowments, including the

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(a) 1972 c. 58.
(b) 1971 c. 8.
(c) 1947 c. 27.
(d) 1889 c. 63.

accumulated income thereof, where, as a result of the reorganisation of the Scottish Health Service under the Act, the area of a Regional Hospital Board is divided between two or more Health Boards or the hospitals managed by a Board of Management become the responsibility of two or more Health Boards.

Transfer of prescribed endowments

4.—(1) Each of the prescribed endowments described or referred to in column 2 of Part I of Schedule 1 to this order and held immediately before the appointed day by the Regional Hospital Board or Board of Management named in column 1 of that Part of that Schedule opposite the description of or reference to the endowment concerned shall on that day be transferred to and vest in the Health Board named in column 3 of that Part of that Schedule opposite the description of or reference to the endowment concerned.

(2) The accumulated income of each prescribed endowment held immediately before the appointed day by a Regional Hospital Board or Board of Management named in column 1 of Part II of Schedule 1 to this order shall be transferred on that day—

(*a*) if the endowment was given for the benefit of a particular hospital—to the Health Board whose responsibility that hospital becomes; and

(*b*) in any other case—to the Health Boards named in column 3 of Part II of Schedule 1 to this order opposite the name of the Regional Hospital Board or Board of Management holding such income in the proportions set out in column 2 of that Part of that Schedule.

Transfer of relevant endowments

5.—(1) The rights in relevant endowments, including the accumulated income thereof, held immediately before the appointed day by a Regional Hospital Board or Board of Management named in column 1 of Part I of Schedule 2 to this order shall on the appointed day be transferred to the Health Boards named in column 3 of that Part of that Schedule opposite the name of the Regional Hospital Board or Board of Management concerned in the proportions set out in column 2 of that Part of that Schedule.

(2) Each of the relevant endowments described in column 2 of Part II of Schedule 2 and held by the Board of Management named in column 1 of that Part of that Schedule opposite the description of the endowment concerned (being relevant endowments which, by virtue of regulation 4 of the Scottish Hospital Trust Regulations 1972(**a**), were excepted from transfer to the Scottish Hospital Trust under section 2 of the Act of 1971) shall on the appointed day be transferred to and vest in the Health Board named in column 3 of that Part of that Schedule opposite the description of the endowment concerned.

Execution of deeds or instruments

6. Any deed or instrument which may be required to give effect to the transfer of endowments, rights and income under this order or by virtue of section 37(1) or section 38(1) of the Act may be executed by an authorised officer, and a deed or instrument so executed shall have the same force and validity as if it had been granted by the Regional Hospital Board or Board of Management concerned.

(a) S.I. 1972/390 (1972 I, p. 1466).

Certificates as to the transfer of securities

7.—(1) Where any property transferred to a Health Board under this order or by virtue of section 37(1) or section 38(1) of the Act consists of any securities standing, immediately before the appointed day, in the books of a company or local authority in the name of a Regional Hospital Board or Board of Management, it shall be obligatory upon the company or local authority on production to it of a certificate signed by an authorised officer to register the transfer of the securities in the name of, and to pay the dividends in respect thereof, to the Health Board named in the certificate.

(2) In this article—

"company" includes the Bank of England and any other company, authority or person keeping books in which any securities are registered or inscribed;

"securities" means any shares, stock, debentures, debenture stock, loan stock, bonds, mortgages, units of a unit trust scheme, or other shares of the investments subject to the trusts of such a scheme, and other securities of any description.

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

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

SCHEDULE 1 Article 4

TRANSFER OF PRESCRIBED ENDOWMENTS AND ACCUMULATED INCOME THEREOF

PART I

TRANSFER OF ENDOWMENTS

Column 1 Name of Regional Hospital Board or Board of Management	Column 2 Description of endowment transferred	Column 3 Name of Health Board
Regional Hospital Boards		
Western	£800 6½% Treasury Stock 1976	Lanarkshire
	£100 Stock Burmah Oil Co Ltd	Forth Valley
	£80 Stock Burmah Oil Co Ltd	Ayrshire and Arran
	£22 Stock Rio Tinto Zinc Corporation Ltd	Dumfries and Galloway
	£58 Stock Rio Tinto Zinc Corporation Ltd.	Argyll and Clyde
	All other prescribed endowments held by the Board	Greater Glasgow
Northern	All prescribed endowments held by the Board	Highland
South Eastern	£500 8½% City of Peterborough Bond 24.6.74	Borders
	£1,000 6¾% London County Council Consolidated Stock 1974 £500 6½% Treasury Stock 1974	Fife
	All other prescribed endowments held by the Board	Lothian
Boards of Management		
Paisley and District Hospitals	£1,750 5½% Unsecured Loan 1994-2004 ICI Ltd	Greater Glasgow
	All other prescribed endowments held by the Board	Argyll and Clyde
Glasgow Western and Gartnavel Hospitals	All prescribed endowments held by the Board	Greater Glasgow
Oban and District Hospitals	£600 3½% War Stock	Highland
	All other prescribed endowments held by the Board	Argyll and Clyde
Dunbartonshire Hospitals	All prescribed endowments held by the Board	Argyll and Clyde

Column 1 Name of Regional Hospital Board or Board of Management	Column 2 Description of endowment transferred	Column 3 Name of Health Board
Moray Hospitals	Temporary Loans amounting to £850 £720 8¾% Treasury Stock 1997 £150 3½% North of Scotland Electricity Guaranteed Stock 1977/80 750 Northern American Trust Co Ltd Ordinary 25p shares 900 Monks Investment Trust Ltd Ordinary 25p Shares Patients and Staff Funds held by the Board amounting to £465	Highland
	All other prescribed endowments held by the Board	Grampian
Bute and Cumbrae Hospitals	£1,270 8½% British Oxygen Co Debenture Stock 1990	Ayrshire and Arran
	All other prescribed endowments held by the Board	Argyll and Clyde
West Lothian (Bangour) Hospitals	Amenity funds held by the Board amounting to £22,000	Lothian
	All other prescribed endowments held by the Board	Forth Valley
Kirkintilloch and Kilsyth Hospitals	£2,500 6½% Funding Stock 1985-87	Lanarkshire
	All other prescribed endowments held by the Board	Greater Glasgow

PART II

TRANSFER OF ACCUMULATED INCOME

Column 1 *Name of Regional Hospital Board or Board of Management*	Column 2 *Extent of Transfer*	Column 3 *Name of Health Board*
Regional Hospital Boards		
Northern	91·0%	Highland
	9·0%	Western Isles
Western	·1%	Highland
	10·6%	Forth Valley
	13·3%	Argyll and Clyde
	47·1%	Greater Glasgow
	16·3%	Lanarkshire
	7·6%	Ayrshire and Arran
	5·0%	Dumfries and Galloway
South Eastern	70·0%	Lothian
	22·3%	Fife
	7·5%	Borders
	·2%	Forth Valley
Boards of Management		
Paisley and District Hospitals	96·8%	Argyll and Clyde
	3·2%	Greater Glasgow
Oban and District Hospitals	85·1%	Argyll and Clyde
	14·9%	Highland
Moray Hospitals	95·1%	Grampian
	4·9%	Highland
Bute and Cumbrae Hospitals	76·7%	Argyll and Clyde
	23·3%	Ayrshire and Arran

Article 5

SCHEDULE 2

TRANSFER OF RIGHTS IN RELEVANT ENDOWMENTS

PART I

GENERAL

Column 1 *Name of Regional Hospital Board or Board of Management*	Column 2 *Extent of Transfer*	Column 3 *Name of Health Board*
Regional Hospital Boards		
Northern	91·0% 9·0%	Highland Western Isles
Western	·1% 10·6% 13·3% 47·1% 16·3% 7·6% 5·0%	Highland Forth Valley Argyll and Clyde Greater Glasgow Lanarkshire Ayrshire and Arran Dumfries and Galloway
South-Eastern	70·0% 22·3% 7·5% ·2%	Lothian Fife Borders Forth Valley
North-Eastern	·3% 1·9% 2·5% 95·3%	Highland Orkney Shetland Grampian
Boards of Management		
Paisley and District Hospitals	96·8% 3·2%	Argyll and Clyde Greater Glasgow
Glasgow Victoria and Leverndale Hospitals	94·2% 5·8%	Greater Glasgow Lanarkshire
Oban and District Hospitals	85·1% 14·9%	Argyll and Clyde Highland
Dunbartonshire Hospitals	86·7% 13·3%	Argyll and Clyde Greater Glasgow
Moray Hospitals	95·1% 4·9%	Grampian Highland
Bute and Cumbrae Hospitals	76·7% 23·3%	Argyll and Clyde Ayrshire and Arran
West Lothian (Bangour) Hospitals	98·5% 1·5%	Lothian Forth Valley
Kirkintilloch and Kilsyth Hospitals	95·5% 4·5%	Greater Glasgow Lanarkshire

PART II

TRANSFER OF RELEVANT ENDOWMENTS EXCEPTED FROM TRANSFER TO SCOTTISH HOSPITAL TRUST

Column 1 *Name of Board of Management*	Column 2 *Description of Endowment Transferred*	Column 3 *Name of Health Board*
Moray Hospitals	House 'Grovelea', 11 Seafield Street, Elgin House, "Lime-kilns', 22 Springfield Road, New Elgin	Grampian
Oban and District Hospitals	Land at Benvoulin Lane, Oban extending to 0·57 acres or thereby, and the houses erected thereon, numbers, 1, 2, and 3 Benvoulin Lane, Oban	Argyll and Clyde
Paisley and District Hospitals	Land at Harelaw and Hollybush Farms extending to 173 acres or thereby. Land at Dykebar-hill and Oldbar Farms extending to 119 acres or thereby. 2 flats on the ground floor at 29 Calside, Paisley.	Argyll and Clyde

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order determines the manner in which endowments and rights in endowments held by hospital boards, including the accumulated income from these endowments, shall be divided between health boards in cases where the area of a Regional Hospital Board, or the responsibilities of a Board of Management, are being divided by the reorganisation of the health service. It also provides for necessary transfer procedures to be completed by an officer appointed by the Secretary of State, where the dissolution of the hospital boards makes this necessary.

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