STATUTORY INSTRUMENTS

1974 No. 521 (S.46)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Enforceability of Rights and Liabilities of Executive Councils and Joint Committees of Executive Councils) (Scotland) Order 1974

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 26(3) 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 (Enforceability of Rights and Liabilities of Executive Councils and Joint Committees of Executive Councils) (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 Agency" means the Common Services Agency for the Scottish Health Service constituted under section 19 of the Act;

"the appointed day" means 1st April 1974;

"Committee" means a Joint Ophthalmic Services Committee established under the National Health Service (Joint Ophthalmic Services Committees) (Scotland) Regulations 1972(**b**);

"Council" means an Executive Council constituted under section 32 of the National Health Service (Scotland) Act 1947(**c**);

"enactment" includes a provision in a statutory instrument;

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

(2) In this order, unless the context otherwise requires, any reference to a right or liability is a reference to a right or liability transferred to the Secretary of State by virtue of section 26(2) of the Act.

(3) 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.

(**a**) 1972 c. 58.
(**b**) S.I. 1972/828 (1972 II, p. 2662).
(**c**) 1947 c. 27.

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

Enforceability of rights and liabilities by or against Health Boards

3.—(1) Subject to the following provision of this article, any right or liability enforceable by or against a Council or Committee immediately before the appointed day shall on and after that day be enforceable by or against the Health Board within whose area the office of the Council or Committee is situated immediately before the appointed day.

(2) Any right or liability which was enforceable by or against a Council or Committee in respect of any property held by them shall be enforceable by or against the Health Board which controls and manages such property on the appointed day on behalf of the Secretary of State.

(3) Any right or liability which was enforceable by or against a Council or Committee in respect of the provision by a person of general medical services, general dental services, pharmaceutical services or general ophthalmic services shall be enforceable by or against the Health Board in whose area are situated the practice premises, relevant to the case, of the person undertaking to provide such services.

Enforceability of rights and liabilities by or against the Agency

4. Any right or liability which, immediately before the appointed day, was enforceable by or against the Drug Accounts Committee established by the National Health Service (Drug Accounts Committee) (Scotland) Order 1948(b) shall on that day be enforceable by or against the Agency.

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

St. Andrews House,
Edinburgh.
19th March 1974.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides for the rights and liabilities of Executive Councils and Joint Ophthalmic Services Committees to be enforceable by or against Health Boards and for the rights and liabilities of the Drug Accounts Committee to be enforceable by or against the Common Services Agency.

(a) 1889 c. 63. (b) S.I. 1948/1596 (Rev. XV, p. 989: 1948 I, p. 2321).

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