STATUTORY INSTRUMENTS

1975 No. 457 (S. 58)

NATIONAL HEALTH SERVICE, SCOTLAND

The National Health Service (Transfer of Local Health Authority Trust Property) (Scotland) Order 1975

Made - - -	*13th March* 1975
Laid before Parliament	*26th March* 1975
Coming into Operation	*16th April* 1975

In exercise of the powers conferred on me by sections 39(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 Local Health Authority Trust Property) (Scotland) Order 1975 and shall come into operation on 16th April 1975.

Interpretation

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

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

"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;

"trust property" means property, including the accumulated income thereof, held on trust immediately before the appointed day by a local health authority for the purposes of their health functions within the meaning of section 27(1) of the Act.

(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.

Division of trust property between Health Boards

3.—(1) The following provisions of this article shall have effect for the purpose of determining the division of trust property between Health Boards, where,

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

as a result of the reorganisation of the Scottish Health Service under the Act, the area of a local health authority has been divided between two or more Health Boards.

(2) The trust property described or referred to in column 2 of the Schedule to this order and held immediately before the appointed day by the local health authority named in column 1 of that Schedule opposite the description of or reference to the property concerned shall be deemed to have been, on that day, transferred to and vested in the Health Board named in column 3 of that Schedule opposite the description of or reference to the property concerned.

Execution of deeds or instruments

4. Any deed or instrument which may be required to give effect to the transfer of trust property in terms of section 39 of the Act as read with this Order 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 local health authority concerned.

Certificates as to the transfer of securities

5.—(1) Where any trust property transferred to a Health Board in terms of section 39 of the Act as read with this Order consists of any securities standing, immediately before the appointed day, in the books of a company or local authority in the name of a local health authority, 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.

13th March 1975.

SCHEDULE

Column 1 Name of Local Health Authority	Column 2 Description of Property	Column 3 Name of Health Board
Argyll County Council	All property comprised in Miss M. S. Mackenzie's bequest.	Argyll and Clyde
Argyll County Council	£122.32 3½% Conversion Stock, being the proceeds of the sale of Dalmally Hospital.	Argyll and Clyde
Bute County Council	David H. Reid's bequest to Lochranza and Pirnmill District Nursing Association, comprising £10,000 7½% Unsecured Loan Stock, General Accident Fire and Life Assurance Company, Limited.	Ayrshire and Arran
Inverness County Council	All property comprised in The Lady Seaforth Bequest.	Western Isles
Moray and Nairn Joint County Council	Of the Moray Domiciliary Nursing Fund— (1) that part comprising £3,500 5¾% Whitbread Investment Co. Limited Debenture Stock 1980/85: and 4·65% of the accumulated income of the Fund at the appointed day. (2) all other property comprised in the Fund.	Highland Grampian
Moray and Nairn Joint County Council	All property comprised in the Nairn Domiciliary Nursing Fund.	Highland
Ross and Cromarty County Council	£148.54 3½% War Stock, formerly held by Lochcarron District Nursing Association.	Highland
Ross and Cromarty County Council	£937.23 3½% War Stock formerly held by Brahan, Maryburgh and Conon District Nursing Association.	Highland

Column 1 Name of Local Health Authority	Column 2 Description of Property	Column 3 Name of Health Board
West Lothian County Council	Dwellinghouse, "Woodcroft", George Street, Armadale, formerly held by the Trustees of the Armadale and District Nursing Association.	Lothian
West Lothian County Council	All property comprised in the Marie Curie Memorial Grants Scheme.	Lothian

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order determines the manner in which property, including the accumulated income thereof, formerly held on trust by local health authorities for the purposes of their health functions, is to be divided between health boards in cases where the area of an authority has been divided by the reorganisation of the health service. It also provides for transfer procedures to be completed by an officer appointed by the Secretary of State, where the dissolution of existing local authorities as a result of local government reorganisation makes this necessary.

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