SCOTTISH STATUTORY INSTRUMENTS

2003 No. 154

NATIONAL HEALTH SERVICE

The Health Education Board for Scotland Amendment Order 2003

Made - - - -	*6th March 2003*
Laid before the Scottish Parliament - - - -	*10th March 2003*
Coming into force - -	*1st April 2003*

The Scottish Ministers, in exercise of the powers conferred by sections 2(1)(b), (1B), (1C) and 105(6) and (7) of the National Health Service (Scotland) Act 1978(**1**) and of all other powers enabling them in that behalf, hereby make the following Order:

Citation and commencement

1. This Order may be cited as the Health Education Board for Scotland Amendment Order 2003 and shall come into force on 1st April 2003.

Interpretation

2. For the purposes of this Order, "the principal Order" means the Health Education Board for Scotland Order 1990(**2**).

Amendment of article 2 of the principal Order

3. In article 2(1) of the principal Order in the definition of "the Board" for "the Health Education Board for Scotland" substitute "NHS Health Scotland".

Amendment of article 3 of the principal Order

4. In article 3 of the principal Order for "the Health Education Board for Scotland" substitute "NHS Health Scotland".

(**1**) 1978 c. 29; section 2(1) was amended by the Health and Social Services and Social Security Adjudications Act 1983 (c. 41) ("the 1983 Act"), Schedule 7, paragraph 1, and by the National Health Service and Community Care Act 1990 (c. 19) ("the 1990 Act"), section 28 which inserted sub sections (1)(b), (1B) and (1C); section 105(7) was amended by the Health Services Act 1980 (c. 53), Schedule 6, paragraph 5(1) and Schedule 7, the 1983 Act, Schedule 9, paragraph 24, and the Health Act 1999 (c. 8) ("the 1999 Act"), Schedule 4, paragraph 60. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).

(**2**) S.I.1990/2639.

Amendment of article 4 of the principal Order

5.—(1) In article 4(1) of the principal Order, after sub paragraph (a) insert–

"(aa) functions in relation to the provision of research and development services in the field of public health conferred upon the Scottish Ministers by the Act".

(2) In article 4(2)(d) of the principal Order omit–

"disregarding so much of that sub-section as relates to the function of the Secretary of State to authorise certain officers to execute instruments on his behalf".

(3) In article 4(3) of the principal Order for sub paragraph (b) substitute–

"(b) that, where any such instrument requires to be executed by the Scottish Ministers it is executed by a member of the Scottish Executive in accordance with paragraph 6 of Schedule 2 to the Requirements of Writing (Scotland) Act 1995(**3**)

Amendment to Part 1 of the Schedule to the principal Order

6. In Part 1 of the Schedule to the principal Order–

(a) after the entry relating to section 13 insert–

(i) in column 1, "Section 13A"; and

(ii) in column 2, opposite thereto, "Co-operation in planning of the services for disabled persons, the elderly and others(**4**)";

(b) omit the entries relating to sub-section (1A) of section 79;

(c) after the entry relating to section 84A insert–

(i) in column 1, "section 85AA"; and

(ii) in column 2, opposite thereto, "Means of meeting expenditure of health boards out of public funds(**5**)"; and

(d) after the entry relating to paragraph 5 of Schedule 1 insert–

(i) in column 1, "paragraph 5A"; and

(ii) in column 2, opposite thereto "Provision concerning regulations and directions made under paragraph 5 above(**6**)".

Amendment of Part III of the Schedule to the principal Order

7. In Part III of the Schedule to the principal Order–

(a) omit the entries relating to the National Health Service (Remuneration and Conditions of Service) (Scotland) Regulations 1974(**7**);

(b) omit the entries relating to the National Health Service (Appointment of Consultants and Community Medicine Specialists) (Scotland) Regulations 1986(**8**); and

(c) at the end insert–

(**3**) 1995 c. 7; Minister is defined for the purposes of paragraph 6 in section 12(1) of that Act and includes a member of the Scottish Executive further to the amendment by paragraph 31(a) of Schedule 8 to the Scotland Act 1998 (c. 46).
(**4**) Section 13A of the National Health Service (Scotland) Act 1978 (c. 29) ("the 1978 Act") was inserted by the National Health Service (Amendment) Act 1986 (c. 66) section 5(1) and amended by the 1990 Act, Schedule 9, paragraph 19(5).
(**5**) Section 85AA of the 1978 Act was inserted by the 1999 Act, section 52.
(**6**) Paragraph 5A of Schedule 1 to the 1978 Act was inserted by the 1983 Act, Schedule 7, paragraph 4 and amended by the 1990 Act, Schedule 5, paragraph 4.
(**7**) S.I. 1974/276.
(**8**) S.I. 1986/944, repealed by S.I. 1993/994, regulation 10.