NATIONAL HEALTH SERVICE, SCOTLAND

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1. ARBITRATION AND TRANSFER

The National Health Service (Arbitration and Transfer) (Scotland) Regulations, 1949

1949 No. 565 (S. 27)

Made - - - -	*25th March*, 1949
Laid before Parliament	*28th March*, 1949
Coming into Operation	*2nd April*, 1949

In exercise of the powers conferred on me by subsection (5) of section 6, subsection (8) of section 7 and subsection (9) of section 9 of the National Health Service (Scotland) Act, 1947(a), and of all other powers enabling me in that behalf, I hereby make the following regulations:—

1. These regulations may be cited as the National Health Service (Arbitration and Transfer) (Scotland) Regulations, 1949, and shall come into operation on the 2nd day of April, 1949.

2.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

"the Act" means the National Health Service (Scotland) Act, 1947;

"the appointed day" means the fifth day of July, 1948;

"dissolved authority" means a body which, by virtue of section 76 (1) of the Act, was dissolved as from the appointed day; and other expressions used in these regulations have the same meaning as in the Act.

(2) The Interpretation Act, 1889(b), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

3. Any question as to whether any property or liability has been transferred under the provisions of Part II of the Act relating to the transfer of property and liabilities, or as to whether any property or liability falls to be apportioned under the said provisions, or as to the apportionment thereof, or as to the person or persons to whom it has been transferred, shall, in default of agreement, be determined by arbitration in manner provided in section 77 of the Act.

(a) 10 & 11 Geo. 6. c. 27. (b) 52 & 53 Vict. c. 63.

4.—(1) Where after any property or liability has, by virtue of the Act, been vested in or transferred to the Secretary of State or a Board of Management, there shall be granted by the local authority, trustees or other parties having an interest so to do, all such deeds or other instruments as in any particular case the Secretary of State may determine to be necessary.

(2) All such deeds or other instruments shall be executed as soon as practicable and in any event not later than one month from the date of a notice given by the Secretary of State under this regulation.

(3) In the event of failure or refusal by any party to comply with the preceding provisions of this regulation or if for any other reason these provisions cannot be complied with, any such deed or other instrument may be executed by or on behalf of the Secretary of State or the Board of Management concerned and shall thereupon have effect for all purposes as if such deed or other instrument had been granted by the local authority, trustees or other parties having the interest so to do.

5. Where, after any property or liability has, by virtue of the Act been vested in or transferred to the Secretary of State or a Board of Management, any person is entitled to the possession of any writ or other document relating to the title to, or the control or management of, any such property, or relating to any such liability, he shall be obliged to make the same available, when so requested, to the Secretary of State or the Board of Management concerned, on a receipt and obligation for redelivery within a reasonable time.

6.—(1) Where any property vested in or transferred to the Secretary of State or a Board of Management or any other person or persons by virtue of the Act consists of any stock standing, immediately before the appointed day, in the books of a company in the name of a dissolved authority, or of trustees, or of a local authority, it shall be obligatory upon the company on production to it of a certificate signed by the Secretary of State, or by a person authorised to act on his behalf, to transfer the stock into the name of, and to pay the dividends in respect thereof, to the Secretary of State, the Board of Management or the other person or persons named in the certificate.

(2) In this regulation the expression:—

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

"stock" includes any share, annuity or other security.

7.—(1) Any proceedings pending at the appointed day with respect to any property or liability transferred under the Act shall not be prejudicially affected by these regulations, and may be carried on and enforced by or against the Secretary of State or the Board of Management to whom the property or liability has been transferred.

(2) Any such proceedings may be amended in such a manner as may appear necessary or proper for enabling them to be carried on in accordance with the preceding provisions of this regulation.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
25th March, 1949.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

The Regulations provide for arbitration where the transfer or apportionment of any property or liability is disputed, for the granting of the deeds required for the purposes of transfer, and for enabling pending proceedings to be carried on.

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2. EXECUTIVE COUNCILS

The National Health Service (Executive Councils) (Scotland) Amendment Regulations, 1949

1949 No. 947 (S. 57)

Made - - - -	14*th May*, 1949
Laid before Parliament	18*th May*, 1949
Coming into Operation	19*th May*, 1949

In exercise of the powers conferred on me by paragraph 4 of the Sixth Schedule to the National Health Service (Scotland) Act, 1947(**a**), and of all other powers enabling me in that behalf, I hereby make the following regulations :—

1. These regulations may be cited as the National Health Service (Executive Councils) (Scotland) Amendment Regulations, 1949, and these regulations and the National Health Service (Executive Councils) (Scotland) Regulations, 1947(**b**), (hereinafter referred to as the " principal regulations ") may be cited together as the National Health Service (Executive Councils) (Scotland) Regulations, 1947 and 1949.

2. The principal regulations shall have effect as if the following regulation were added after Regulation 5 :—

" Vacation of office.

5A. If a member of the Council, being a member appointed by a local health authority, is also a member or officer of that authority, he shall upon ceasing to be a member or officer of the authority, also cease to be a member of the council :

Provided that for the purpose of this regulation a person shall be deemed not to have ceased to be a member of the local health authority, if he has been re-elected a member thereof not later than the day of his retirement."

3. In paragraph (2) of Regulation 7 of the principal regulations there shall be substituted for the words " resignation, removal " the words " vacation of office ".

Dated this 14th day of May, 1949.

Arthur Woodburn,
One of His Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.

(a) 10 & 11 Geo. 6. c. 27. (b) S.R. & O. 1947 (No. 2504) I, p. 1335.