5. DISSOLVED AUTHORITIES

The National Health Service (Dissolved Authorities) (Scotland) Regulations, 1948

1948 No. 1498 (S. 132)

Made - - - -	30*th June*, 1948
Laid before Parliament	1*st July*, 1948
Coming into Operation	2*nd July*, 1948

In exercise of the powers conferred on me by section 76 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 (Dissolved Authorities) (Scotland) Regulations, 1948, and shall come into operation on the second day of July, 1948.

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 5th day of July, 1948;

" dissolved authority " means a body which, by virtue of section 76 of the Act, will be dissolved as from the appointed day;

" successors of the dissolved authority " means in relation to any property or liability transferred from a dissolved authority the person or persons to whom that property or liability is transferred;

" nominated officer " in relation to a dissolved authority means the person nominated by that authority under paragraph 2 of regulation 4 of these regulations;

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. Every dissolved authority shall, before the appointed day, liquidate so far as possible all its current debts and liabilities.

4.—(1) The accounts of every dissolved authority and of the committees, sub-committees, and officers of every such authority shall be made up to the appointed day and shall be audited in manner following:—

(*a*) in case of a dissolved authority whose accounts before the appointed day are subject to audit by an auditor appointed by the Secretary of State by such auditor in accordance with the provisions of Part X of the Local Government (Scotland) Act, 1947(**c**), subject to the following and any other necessary modifications;

(**a**) 9 & 10 Geo. 6. c. 81. (**b**) 52 & 53 Vict. c. 63. (**c**) 10 & 11 Geo. 6. c. 43.

the expression " nominated officer " shall be substituted for the expression " local authority " in sections 198, 201 (1), 201 (3), 204 and 205; and for the expression " clerk of the local authority " in sections 199 and 200 (2);

(*b*) in case of a dissolved authority which is the governing body of a voluntary hospital, by an auditor or auditors appointed by that body, or, failing any such appointment, by an auditor appointed by the appropriate Regional Hospital Board;

(*c*) in case of any other dissolved authority, in like manner and subject to the like incidents and consequences as if the Act had not been passed.

(2) For the purpose of the audit of accounts under the foregoing paragraph of this regulation every dissolved authority shall before the appointed day nominate a person to be responsible for making up the accounts to the appointed day in manner hereinafter mentioned and submitting them to audit and for the performance of such other duties in relation to the audit as would, if the authority had continued in existence after the appointed day, have been performed by the authority or the appropriate officer or officers of the authority.

(3) The accounts to be made up to the appointed day in accordance with the last preceding paragraph shall include a revenue account on an income and expenditure basis and a balance sheet showing the assets and liabilities of the dissolved authority as at the appointed day.

(4) The name and address of the person nominated by a dissolved authority in pursuance of paragraph (2) of this regulation shall be notified in writing by the authority to the Secretary of State, and the appropriate Regional Hospital Board, and, in the case of an authority to which paragraph (1) (*a*) of this regulation applies, to the appointed auditor.

(5) If a dissolved authority fails to nominate a person in accordance with the requirements of paragraph (2) of this regulation, or if the person nominated by the authority fails or for any reason is unable to carry out the duties required of him in relation to the audit, the Secretary of State may appoint a person to act in his place.

(6) Any expenses properly incurred in connection with the audit by the person nominated by a dissolved authority or appointed by the Secretary of State shall be reimbursed by the Secretary of State.

5.—(1) Save as otherwise provided for or dealt with by or under the Act or Regulations made under the Act, all contracts, deeds, bonds, writs, agreements, and other instruments subsisting in favour of or against the dissolved authority shall be of full force and effect, as the case may require, in favour of or against the successors of the dissolved authority.

(2) If immediately before the appointed day any action or proceeding or any cause of action or proceeding is pending or existing by or against a dissolved authority the same shall not be prejudicially affected by reason of the Act but may be carried on and enforced by or against the successors of the dissolved authority.

(3) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper for enabling them to be carried on and enforced by or against the successors of the dissolved authority or in relation to any interest of a dissolved authority whether vested or contingent in any property.

6. All property and liabilities held by a dissolved authority, other than the governing body of a voluntary hospital, or to which such an authority is subject immediately before the appointed day, and for the transfer and vesting of which no other provision is made by the Act or by regulations made under the Act, shall be dealt with under section 122 (2) of the Local Government (Scotland) Act, 1947.

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

St. Andrew's House,
Edinburgh 1.
30th June, 1948.

EXPLANATORY NOTE

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

The regulations provide for the winding up of the affairs of certain combinations of local authorities and of governing bodies of voluntary hospitals which are dissolved as from the appointed day under the provisions of section 76 of the National Health Service (Scotland) Act, 1947.

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6. DRUG ACCOUNTS COMMITTEE

The National Health Service (Drug Accounts Committee) (Scotland) Order, 1948

1948 No. 1596 (S. 141)

Made - - - -	30*th June*, 1948
Coming into Operation	30*th June*, 1948

Whereas it appears to me to be expedient in the interests of the efficiency of the Services provided under Part IV of the National Health Service (Scotland) Act, 1947(a), that a joint committee should be established for the areas of all the Executive Councils of Scotland for the purpose of exercising the functions of Executive Councils which are hereinafter mentioned:

Now, therefore, in exercise of the powers conferred on me by section 32 of the said Act I hereby make the following Order:—

1. This Order may be cited as the National Health Service (Drug Accounts Committee) (Scotland) Order, 1948, and shall come into operation on the date hereof. Short title and commencement.

(a) 10 & 11 Geo. 6. c. 27.