

SHHD/DS(81) 1



Scottish Home and Health Department
St Andrew's House Edinburgh EH1 3DE

Telephone 031-556 8501 ext

Secretaries of Health Boards
Secretary of the Common Services Agency

Your reference

Our reference

NCH/1/1

Date

7 January 1981

Dear Secretary

CROWN STATUS OF HEALTH BOARDS AND THEIR STAFF

Arising out of recent legal consideration of the status of health authorities, their officers and employees, the Scottish Home and Health Department has been advised that Health Boards and the Common Services Agency are Crown bodies. They are therefore entitled, in appropriate cases, to claim the privileges and immunities of the Crown. The Department has further been advised that officers and employees of Health Boards and the Common Services Agency are Crown servants. This does not however necessarily mean that they are civil servants; and the Department is specifically advised that they are not civil servants for the purposes of such enactments as section 6 of the Aliens Restrictions (Amendments) Act 1919; section 2(5) of the Mental Health (Scotland) Act 1960; or section 1(1)(b) of the House of Commons Disqualification Act 1975. The appropriate description of officers and servants of Health Boards and the Common Services Agency would appear to be that they are employed in a civil capacity under the Crown. The Department is considering the implications of this advice and will, if necessary, give further guidance on the matter.

Yours sincerely

GRO-C

A M MACPHERSON

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COMMON SERVICES AGENCY	
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