

PUBLIC BODIES (JOINT WORKING) (SCOTLAND) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1

Functions of Local Authorities and Health Boards

Supplementary

Section 52 – Directions

138. **Section 52** confers a power on the Scottish Ministers to give directions to integration joint boards, Health Boards and local authorities.
139. Directions given to a local authority or Health Board under this section may relate to the functions conferred on them by this Act, the carrying out of functions delegated to them in pursuance of an integration scheme, and the functions to be carried out in conjunction with the delegated functions (subsections (1) and (2)).
140. Directions to an integration joint board may relate to the functions conferred on it by this Act and the carrying out of functions delegated to it in pursuance of an integration scheme (subsection (3)).
141. Integration joint boards, Health Boards and local authorities are required to comply with a direction given to them by the Scottish Ministers under this section.
142. Subsection (5) provides that directions made under this section may vary or revoke earlier directions made under this section and are to be made in writing.
143. Subsection (6) places a limit on the use of the power in this section to prevent the Scottish Ministers from issuing a direction to require a local authority and Health Board to submit an application under section 27(7). The Scottish Ministers cannot make an order under section 27(6) without the prior written application of the Health Board and local authority. Section 52(6) ensures that the Scottish Ministers cannot direct the Health Board and local authority to make such a written application.