

HEALTH BOARDS (MEMBERSHIP AND ELECTIONS) (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 7 – Roll-out

50. Subsection (1) provides that the Scottish Ministers may by order appoint a day on which sections 1 to 3 are to come into force in respect of Health Board areas not specified in the pilot order. Such an order is known as a “roll-out order”. When a roll-out order is made it has the effect of repealing section 6 of the Act (see subsection (2) of section 7). Repealing section 6 prevents the pilot order from being revoked after the expiry of the time limit in section 6(1) and therefore also stops the consequential repeal of the main provisions of the Act.
51. Subsection (3) provides that a statutory instrument containing a roll-out order may not be made unless the evaluation report has been published, and a draft of the roll-out order has been laid before, and approved by a resolution of, the Scottish Parliament.
52. Subsection (4) provides that before laying a draft of a roll-out order before the Scottish Parliament, Ministers must:
 - lay a copy of the proposed draft roll-out order and a statement of their reasons for proposing to make it before the Scottish Parliament;
 - publicise the proposed draft roll-out order; and
 - have regard to any representations, resolutions or committee reports of the Scottish Parliament about the proposed draft roll-out order made during such period as Ministers may specify when laying the copy proposed draft roll-out order.
53. Subsection (5) provides that the period to be specified by Scottish Ministers under subsection (4) must be at least 60 days in total and include at least 30 days during which the Scottish Parliament is not dissolved or in recess.
54. Subsection (6) provides that when laying a draft of a roll-out order before the Scottish Parliament, Scottish Ministers must lay a statement detailing any representations, resolutions or reports made along with their response and set out any material changes to the proposed draft roll-out order along with their reasons for these changes.
55. Subsection (7) provides that a roll-out order may make such provision adding to, replacing or omitting any part of the text of, or otherwise modifying, any enactment as the Scottish Ministers consider appropriate. One of the things that could be done under this power is amendment of new Schedule 1A to the 1978 Act in response to the evaluation of the pilot schemes. For example, where elements of the process have been seen to work less well in the pilot areas, changes could be made to the way the process works by amending Schedule 1A for the Health Boards which did not participate in the pilot scheme (where elections would be held for the first time) and for the pilot scheme Boards (in relation to the subsequent elections for those Boards).